FILE NO.: 29/DPŠ/ŽŠ

**PROCUREMENT DOCUMENTATION**

**OPEN PUBLIC PROCUREMENT PROCEDURE FOR THE PROCUREMENT PROCEDURE:**

**Lebanon’s National ICZM Strategy, Legislation, and Plan Development Tender**

**Project: “MedProgramme Child Project 2.1 Mediterranean Coastal Zones: Water Security, Climate Resilience and Habitat Protection”**

Procurement record number: 21/GEF/2023

**Split, October 2023**

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Pursuant to Article 3, point 3 and Article 200 of the Public Procurement Act (Official Gazette no. 120/16, 114/22, hereinafter the **PPA 2016**) and Articles 2 and 3. of the Ordinance on Procurement Documents and Tenders in Public Procurement Procedures (Official Gazette no. 65/2017 and 75/2020 – hereinafter the **Ordinance**), the Procurement Documentation was prepared, which forms the basis for the preparation of a tender in this public procurement procedure.

Pursuant to Article 4 (4) of the PPA 2016, the economic operator shall comply with the applicable obligations in the field of environmental, social and labour law, including collective agreements, and in particular the obligation to pay the contracted salary, or the provisions of international environmental, social and labour law specified in Annex XI of the PPA 2016. These provisions shall form an integral part of the public procurement contract. All economic operators shall have the right to participate in the public procurement procedure for which a public call for competition has been published, and may participate in the call for competition by submitting the overall tender for the subject of procurement in accordance with the requirements and conditions set out in the Procurement Documents within the open public procurement procedure. By submitting its tender, the tenderer fully and without restrictions accepts all the conditions and requirements of these Procurement Documents. Economic operators are expected to carefully read and comply with all the instructions contained in these Procurement Documents and to take due account of all information that has an impact on the formation of the tender price, deadline and the conditions of performance of the contract. In preparing their tenders, tenderers shall comply with the content and conditions set out in the Procurement Documents, the conditions of the PPA 2016, the Ordinance and any applicable legal and regulatory provisions governing the subject of the procurement.

The date of commencement of the public procurement procedure shall be deemed to be the date on which the call for the competition was sent to the Electronic Public Procurement Advertisement Channel of the Republic of Croatia.

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| I GENERAL INFORMATION |

# 1.1 Information about the Procuring Entity:

The Procuring Entity: Priority Actions Programme Regional Activity Centre

Registered office: Kraj Svetog Ivana 11, 21000 Split

Tax no. (PIN): 27788012253

Phone: +385 21 340470

E-mail: paprac@paprac.org

Webpage: www.paprac.org

The Procuring Entity cannot exercise the right to input tax and compares the prices of tenders with value-added tax.

The Procuring Entity shall be liable to pay the value-added tax.

# 1.2 Contact person or service

**The following services are in charge of issues related to this public procurement procedure:**

Contact name: Daria Povh Škugor

e-mail: daria.povh@paprac.org

Phone: +385 21 340478

Communication and any other exchange of information/data between the Procuring Entity and economic operators may be carried out **in English and in the Latin script through the system of the Electronic Public Procurement Classifieds of the Republic of Croatia (hereinafter: EPPC RC).** Exceptionally, in accordance with Article 63. PPA 2016, the Procuring Entity and economic operators may communicate orally if this communication does not relate to the key elements of the public procurement procedure, provided that its content is documented to a sufficient degree. Key elements of the public procurement procedure include procurement documents and tenders. Oral communication with tenderers that could have a significant impact on the content and evaluation of the tenders must be sufficiently and appropriately documented, for example by compiling written notes or minutes, audio recordings or summaries of the main elements of communication and the like.

**Interested economic operators shall submit requests for additional information, explanations or modifications related to the procurement documents to the Procuring Entity through the EPPC RC.**

Detailed instructions on the method of communication between economic operators and procuring entities within the deadline for the submission of tenders through the EPPC RC system are available on the Classifieds website, at the address: [**https://eojn.nn.hr/Oglasnik/**](https://eojn.nn.hr/Oglasnik/)**.**

The economic operator may request additional information, explanations or modifications regarding the procurement documents until the deadline for the submission of tenders. Provided that the request is submitted on time, the Procuring Entity is obliged to make available responses, additional information and explanations without delay, and no later than the **fourth day** before the deadline for the submission of tenders, in the same way and on the same website as the basic documents (**https://eojn.nn.hr/Oglasnik**), without specifying the applicant's information.

The request shall be timely if it is submitted no later than the **sixth day** before the deadline for the submission of tenders.

**1.3 Procurement record number:** 21/GEF/2023

# 1.4 List of economic operators with which the procuring entity has conflicts of interest

Pursuant to Article 80(2), point 2 of the LPP 2016, the procuring entity declares that it must not conclude public procurement contracts (as an individual tenderer, member of a grouping or subcontractor to the selected tenderer) with the following economic operators:

* D PRojekt, V. Karasa 25, 31 400 Đakovo, OIB / ID: 89787706081
* Moviment Ltd., V. Karasa 25, 31 400 Đakovo, OIB / ID: 98103075271
* P naKVADRAT Ltd., III. Trnava 3, 10 000 Zagreb, OIB: 61691642924

# 1.5 Type of public procurement procedure or particular procurement regime

The procuring entity shall carry out an open public procurement procedure of small value.

**1.6 Estimated value of the procurement:** 176,000.00 USD without VAT (166.698,24 EUR – according to middle exchange rate of the Croatian National Bank on the day of sending the documentation for publication).

# 1.7 Type of public procurement contract (goods, works or services)

The implementation of this public procurement procedure will be concluded with a public service contract.

# 1.8 Indication of whether a public procurement contract or a framework agreement is concluded

A public procurement contract shall be concluded.

# 1.9 Indication of whether a dynamic purchasing system is being established

Not applicable.

# 1.10 Indication of whether an electronic auction is being conducted

Not applicable.

# 1.11 Website on which the report on the consultation with interested economic operators was published

Before launching an open public procurement procedure of low value for the supply of services, the Procuring Entity is not required to carry out prior consultation with interested economic operators.

# II INFORMATION ON THE SUBJECT OF THE PROCUREMENT

# 2.1 Description of the subject of the procurement, CPV Code

The subject of this public procurement procedure is the service of a team of experts for the National ICZM Strategy, Action Plan, ICZM law for Lebanon and contribution to the Integrated Management Plan (IMP) for Damour river basin, aquifers and the coastal zone.

The key objective for all the activities in this Service is to support the preparation, adoption, and implementation of the National ICZM Strategy, its implementation Action Plan, Draft ICZM law, its enactment and implementation and to participate with contributions to the development of the IMP for Damour.

This project is a part of the GEF The Mediterranean Sea Programme: Enhancing Environmental Security (MedProgramme) and its Child Project 2.1 Mediterranean Coastal Zones: Water Security, Climate Resilience and Habitat Protection.

CPV 90712300-4

# 2.2 Description and designation of the lots of the subject of the procurement, if the subject of the procurement is divided into lots

Not applicable.

# 2.3 Quantity of the subject of the procurement

The type and quantity of the subject of the procurement are fully stated in the Bill of quantities (Annex 2). The quantities of the subject of the procurement are correct.

# 2.4 Technical specifications – description of the requested service (terms of reference)

A description of the requested services is given in the Annex to these Procurement Documents, namely in the document *DESCRIPTION OF SERVICES.*

# 2.5 Criteria for assessing the equivalence of the subject of the procurement, where reference is made to the brand, source, patent, etc., provisions on standards

Not applicable.

**Provisions on standards**

Not applicable.

# 2.6 Bill of Quantities

Pursuant to Article 5 of the Ordinance, the Procuring Entity attached the Bill of quantities to the Procurement Documents in a standardised form that is filled in electronically (.xml format).

The Bill of Quantities must be completed in the original template, without changing, correcting or rewriting the original text. Tenderers are not allowed to change the text of the Bill of Quantities.

When filling in the cost statement, the tenderer shall calculate the price of the item as a product of the quantity of the item and the unit price thereof.

The tender price shall be expressed for the overall subject of the procurement. The unit prices of each item of the Bill of Quantities and the total price must be rounded to two decimal places.

Tenderers shall not, and are therefore not obliged to, certify and/or sign the Bill of Quantities completed and/or signed in the tender in any way or by anyone.

# 2.7 Place of performance of the contract

The place of performance of the contract shall be of Tenderer’s preference for the WP1, WP4 and WP5, while the activities from the WP2; WP3 are to be organized in Beirut or in Lebanese coastal cities/regions.

# 2.8 Start date and end date of the performance of the contract

The procuring entity shall enter into a written contract with the selected tenderer. The contract shall enter into force on the day on which it is signed by the last contracting party. The contract will be concluded in accordance with the conditions set out in the procurement documents and the selected tender (Article 312 of the PPA 2016).

The contract shall be deemed fulfilled upon the fulfilment of all the contractual obligations by both contracting parties.

Regular agreements between the executing entity and the procuring entity shall be included in the specified deadline.

The start of performance is **immediately after the conclusion of the contract**, while the service should be completed by December 20th 2024.

# 2.9 Options and possible renewals of contracts

Not applicable.

# III GROUNDS FOR THE EXCLUSION OF THE ECONOMIC OPERATOR

# 3 GROUNDS FOR THE EXCLUSION OF THE ECONOMIC OPERATOR

The economic operator must demonstrate that there are no grounds for exclusion from the public procurement procedure in accordance with the provisions set out in points 3.1 of these Procurement Documents.

The provision applies to the tenderer/member of the grouping/subcontractor/economic operator on which the tenderer relies.

# 3.1 OBLIGATORY GROUNDS FOR EXCLUSION (Article 251(1) and (2) of the PPA 2016)

**Note:**

*The Procuring Entity reserves the obligation to exclude the economic operator (hereinafter: EO) from the public procurement procedure if, in the public procurement procedure, it is determined that the EO has been convicted by a final judgement of committing criminal offences described in subsequent amendments to the Criminal Code, and that were published in the Official Gazette No. 56/15, 61/15, 101/17,118/18 and 126/19 and whose criminal offence can be fully or largely classified as a criminal offence for which the EO was convicted under the “old” Criminal Code published in the Official Gazette under No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12. Namely, the existing wording of the grounds for exclusion referred to below is in accordance with the currently valid PPA 2016, but this PPA 2016 is not in line with the latest amendments to the Criminal Code.*

**3.1.1** Pursuant to Article 251 of the PPA 2016, the procuring entity **is obliged to exclude** an economic operator from the public procurement procedure if at any time during the public procurement procedure, it is established that:

1. an economic operator established in the Republic of Croatia or a person who is a member of an administrative, management or supervisory body or has the authority to represent, make decisions or supervise that economic operator and who is a national of the Republic of Croatia is convicted of:

**a) participation in a criminal organisation, on the basis of**

– Article 328 (criminal association) and Article 329 (commission of a criminal offence within a criminal association) of the Criminal Code

– Article 333 (association to commit criminal offences), of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12)

**b) corruption, on the basis of**

– Article 252 (receiving bribes in business), Article 253 (bribery in business), Article 254 (abuse in public procurement procedures), Article 291 (abuse of position and authority),

– Article 292 (unlawful favouritism), Article 293 (receiving bribes), Article 294 (bribery), Article 295 (trading in influence) and Article 296 (bribery for trading in influence) of the Criminal Code

– Article 294a (receiving bribes in business), Article 294b (bribery in business), Article 337 (abuse of position and authority), Article 338 (abuse of the duties of the state authority), Article 343 (unlawful mediation), Article 347 (receiving bribes) and Article 348 (bribery) of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12)

**c) fraud, on the basis of**

– Article 236 (fraud), Article 247 (business fraud), Article 256 (tax or customs evasion) and Article 258 (subsidy fraud) of the Criminal Code

– Article 224 (fraud), Article 293 (business fraud) and Article 286 (evasion of taxes and other levies) of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12)

**d) terrorism or criminal offences related to terrorist activities, on the basis of**

– Article 97 (terrorism), Article 99 (public incitement to terrorism), Article 100 (recruitment for terrorism), Article 101 (training for terrorism) and Article 102 (terrorist association) of the Criminal Code

– Article 169 (terrorism), Article 169a (public incitement to terrorism) and Article 169b (recruitment and training for terrorism) of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12)

**e) money laundering or financing of terrorism, on the basis of**

– Article 98 (financing of terrorism) and Article 265 (money laundering) of the Criminal Code

– Article 279 (money laundering) of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12)

**f) child labour or other forms of trafficking in human beings, on the basis of**

– Article 106 (trafficking in human beings) of the Criminal Code

– Article 175 (trafficking in human beings and slavery) of the Criminal Code (Official Gazette No. 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08, 57/11, 77/11 and 143/12),

**Or**

**2.** an economic operator **not established** in the Republic of Croatia or a person who is a member of an administrative, management or supervisory body or has the authority to represent, make decisions or supervise that economic operator and who is not a national of the Republic of Croatia is convicted by a final judgment of the criminal offences referred to in points 1 (a) to (f) of this Documentation and of the relevant criminal offences that, according to the national regulations of the country of establishment of the economic operator or the state of which the person is a national, include grounds for exclusion referred to in Article 57(1), points (a) to (f) of Directive 2014/24/EU.

**For the purpose of determining the above circumstances (referred to in this point 3.1.1), the economic operator shall submit a completed form of the European Single Procurement Document (hereinafter: ESPD) in its tender as follows: Part III Grounds for Exclusion, Section A: Grounds related to criminal convictions for all economic operators within the tender.**

**3.1.2** In accordance with the provisions of Article 252 of the PPA 2016, the procuring entity is obliged to exclude an economic operator from the public procurement procedure if it finds that the economic operator has failed to meet the obligations to pay due tax liabilities and obligations for pension and health insurance:

– in the Republic of Croatia, if the tenderer is established in the Republic of Croatia, or

– in the Republic of Croatia or the country of establishment of the tenderer, if the tenderer is not established in the Republic of Croatia.

The procuring entity shall not exclude the economic operator from the public procurement procedure if, in accordance with a special regulation, it is not allowed to pay its obligations or is granted a deferral of payment.

**For the purpose of determining the above circumstances (referred to in this point 3.1.2), the economic operator shall submit a completed form of the ESPD in its tender, as follows: Part III Grounds for Exclusion, Section B: Grounds related to the payment of taxes or social security contributions for all economic operators within the tender.**

**3.2 OTHER GROUNDS FOR EXCLUSION (Article 254 of the PPA 2016)**

Not applicable.

**3.3 PROVISIONS ON “SELF-CLEANING”**

An economic operator for which the grounds for exclusion from Article 251(1) of the PPA 2016, i.e. from point 3.1.1 of the Procurement Documents in accordance with Article 255 of the PPA 2016 have been met, may provide the procuring entity with evidence of the measures taken to demonstrate its reliability, irrespective of the existence of the relevant exclusion grounds. Evidence of “self-cleaning” does not need to be provided as part of the tender, as it is preliminarily demonstrated by the ESPD form. Tenderers shall, in the event of the existence of the relevant exclusion grounds in the ESPD form, fill in the sections in Part III: Grounds for Exclusion, A: Grounds relating to criminal convictions (in parts where the Procuring Entity marked “required information” and that refer to “self-cleaning”)

**Taking measures within the meaning of this point shall be demonstrated by the economic operator in the following ways:**

1. payment of damages or taking other appropriate measures in order to pay damages caused by a criminal offence or omission
2. active cooperation with the investigating authorities in order to fully clarify the facts and circumstances related to the criminal offence or omission
3. the application of appropriate technical, organisational and personnel measures to prevent further criminal offences or omissions.

The measures taken by the economic operator shall be assessed taking into account the gravity and specific circumstances of the criminal offence or omission and it shall be obliged to state the reasons for the acceptance or non-acceptance of the measures. The procuring entity shall not exclude the economic operator from the public procurement procedure if it is assessed that the measures taken are appropriate. The economic operator on which a final judgment has imposed a prohibition on participation in the public procurement procedure for a certain period of time shall not have the right to exercise the options referred to in this point until the expiry of the period of prohibition in the state in which the judgment is in force. The period of exclusion from the public procurement procedure of the economic operator for which the exclusion grounds referred to in Article 251(1) of the PPA 2016 have been met is five years from the day the judgment becomes final, unless otherwise specified in the final judgment.

**For the purpose of determining the above circumstances (referred to in point 3.1.1), the economic operator shall submit a completed form of the ESPD in its tender, as follows: Part III Grounds for Exclusion, Section A: Grounds related to criminal convictions – the part related to “self-cleaning” for all economic operators within the tender.**

**3.4 DOCUMENTS DEMONSTRATING THAT THERE ARE NO GROUNDS FOR EXCLUSION**

Economic operators shall be informed that the documents listed below **are not submitted with a tender**.

It is sufficient to fill in the e-ESPD form in the parts marked by the procuring entity as “required information” in accordance with point 5.2. of the Procurement Documents and attach it to the tender.

Pursuant to Article 263 of the PPA 2016, the procuring entity may request the tenderer who has submitted the most economically advantageous tender, within a reasonable period of time, and no less than 5 (five) days, to provide up-to-date supporting documents demonstrating that there are no grounds for exclusion as requested by this procurement document, unless already in possession of those documents.

The Procuring Entity shall, as sufficient evidence, accept:

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| **OBLIGATORY GROUNDS FOR EXCLUSION** | |
| **Point 3.1.1**  **Procurement Documents** | 1. an excerpt from the criminal record or other relevant register or, if that is not possible, an equivalent document of the competent judicial or administrative authority in the country of establishment of the economic operator, namely the state of which the person is a national, demonstrating that there are no grounds for exclusion from Article 251(1) of the PPA 2016 2. if the above documents are not issued in the country of establishment of the economic operator, i.e. the country of which the person is a national or if they do not cover all the circumstances referred to in this point 3.1.1. of the Procurement Documents, they may be replaced by an affidavit or, if an affidavit does not exist under the law of the country concerned, by a statement of the provider with its signature certified by a judicial or administrative authority, notary public or a professional or trade body in the country of establishment of the tenderer, that is, the state of which the person is a national. |
| **Point 3.1.2**  **Procurement Documents** | 1. a certificate from the tax administration or other competent authority in the country of establishment of the economic operator proving that there are no grounds for exclusion specified in this point of the Procurement Documents. 2. If such documents are not issued in the country of establishment of the economic operator or the country of which the person is a national or if they do not cover all the circumstances referred to in this point of the Procurement Documents, they may be replaced by an affidavit or, if an affidavit does not exist under the law of the country concerned, by a statement of the provider with its signature certified by a judicial or administrative authority, notary public or a professional or trade body in the country of establishment of the economic operator, that is, the state of which the person is a national. |

**Note:**

Pursuant to Article 20(9) of the Ordinance, the documents referred to in Article 265(1), point 1 of the PPA 2016 shall be deemed updated if they are not older than six months from the date of commencement of the public procurement procedure.

Pursuant to Article 20(12) of the Ordinance, the documents referred to in Article 265(2) of the PPA 2016 shall be deemed updated if they are not older than the date of commencement of the public procurement procedure.

Pursuant to Article 20(12) of the Ordinance, the statement referred to in Article 265(2) in conjunction with Article 251(1) of the PPL 2016 may be issued by a person legally authorised to represent the economic operator for the economic operator and for all persons who are members of an administrative, management or supervisory authority or have the power to represent, make decisions or supervise the economic operator.

For economic operators that are not established in the Republic of Croatia or persons who are not nationals of the Republic of Croatia, please state in the tender the country of their establishment, i.e. information on citizenship. A foreign national who also has Croatian nationality in accordance with Article 2 of the Nationality Act is considered exclusively a Croatian national before the state authorities of the Republic of Croatia.

# IV CRITERIA FOR THE SELECTION OF THE ECONOMIC OPERATOR (SELECTION CRITERIA)

# 4.1 Technical and professional competence

Pursuant to Article 259 (1), point 1 and Article 268 (1), point 4 of the PPA 2016, the procuring entity determines the conditions of technical and professional ability to ensure that the economic operator has the necessary human and technical resources and experience required to perform public procurement contracts at the appropriate quality level taking into account the estimated value of the procurement, the importance and complexity of the terms of reference.

**4.1.1. List of performed services**

Pursuant to Art. 268, paragraph 1, point 3. ff the PPA 2016, the economic entity must prove that in the year in which the public procurement procedure began and during ten (10) years preceding that year, it performed the same or similar services to the subject of procurement, cumulatively at least in the amount of the estimated value of the procurement procedure.

Procuring entity will take into account a maximum of three (3) performed services, which in total must be at least equal to the estimated purchase value.

**For the purpose of determining the circumstances referred to in this point 4.1.1., the completed ESPD form – part IV shall be submitted in the tender. Criteria for the selection of the economic operator, Section C Technical and professional competence, question 1.c)**

**4.1.2. Engaged technical experts, regardless of whether they belong directly to the economic entity, who will participate in the execution of the contract**

The scope of services requires an interdisciplinary team of skilled experts with previous experience in activities similar to this procurement procedure. The required qualifications for all experts to be engaged in this assignment are presented below. The inclusion of experts so that the team responds to every area of expertise defined in the table below is mandatory. If the qualifications of an expert cover the requirements of more than one area of expertise, that expert can also be proposed for these other areas. In addition, the economic entity may propose - as they deem appropriate - additional experts covering other specific areas of expertise.

The economic entity must prove that it has at least the following technical experts who have the following minimum work experience for the execution of the contract:

**Expert 1 – National Team Leader:**

Minimum qualifications:

* At least an University degree in one of the following fields: coastal zone management, environmental sciences, environmental management, spatial planning, environmental economics, biology, sociology or environmental law
* The expert shall have a minimum of ten years of experience in the field of coastal management and sustainable coastal development in Lebanon
* Excellent oral and written communication skills in English and Arabic

**Expert 2 - ICZM / Biologist:**

Minimum qualifications:

* At least an University degree in biology, marine biology or environmental sciences
* The expert shall have a minimum of ten years of experience in the field of coastal biodiversity protection in Lebanon
* The expert shall have participated in at least two projects relevant to climate change impacts and adaptation
* Excellent oral and written communication skills in English and Arabic

**Expert 3 - Spatial planner:**

Minimum qualifications:

* At least an University degree in spatial planning, land use or urban planning;
* The expert shall have a minimum of ten years of experience in the field of sustainable spatial/ land use planning in Lebanon
* The expert shall have participated in at least one project relevant to climate change
* Excellent oral and written communication skills in English and Arabic

**Expert 4 - Environmental economist:**

Minimum qualifications:

* At least an University degree in environmental economics or economics;
* The expert shall have a minimum of ten years of experience in the field of environmental economics
* Excellent oral and written communication skills in English and Arabic

**Expert 5 - Environmental Legal expert:**

Minimum qualifications:

* At least an University degree in environmental law or international law
* The expert shall have a minimum of ten years of experience in the field of environmental legislation in Lebanon
* Excellent oral and written communication skills in English and Arabic

**Expert 6 – Sociologist:**

Minimum qualifications:

* At least an University degree in sociology or related social sciences
* The expert shall have a minimum of five years of experience in the field of applied sociology
* Excellent oral and written communication skills in English and Arabic

**Expert 7 - Policy coherence expert:**

Minimum qualifications:

* At least an University degree in environmental, natural, social or technical sciences
* The expert shall have a minimum of ten years of experience in the field of environmental protection
* Excellent oral and written communication skills in English and Arabic

**Expert 8 - GIS specialist:**

Minimum qualifications:

* At least an University degree in geoinformatics or related sciences
* The expert shall have a minimum of five years of experience in the GIS
* Excellent oral and written communication skills in English and Arabic

**Expert 9 - Environmental Journalist:**

* At least a University degree in journalism or related social sciences
* The expert shall have a minimum of three years of experience in the journalism in the field of sustainable development;
* Excellent oral and written communication skills in English and Arabic

**Expert 10 - Technical producer of the Coastal Platform:**

* The expert shall have a minimum of three years of experience in web pages development
* Good oral and written communication skills in English and Arabic

**For the purpose of determining the circumstances referred to in this point 4.1.2., the completed ESPD form – part IV shall be submitted in the tender. Criteria for the selection of the economic operator, Section C Technical and professional competence, questions 2 and 6**

The proposed expert must be engaged in the performance of the public procurement contract in question. If during the performance of the public procurement contract, due to unforeseen circumstances, there is a need for the replacement of experts, it is necessary to request the written consent of the Procuring Entity on the requested replacement. The new proposed expert must have at least the same number of points as the expert to be replaced in the review and evaluation of tenders.

Tenderers shall be free to propose an increased number of experts for the purpose of the performance of the contract.

**4.2. Ability to perform professional activities**

**The economic operator must prove registration in the court, trade, professional or other appropriate registry in the country of his place of business.**

**For the purpose of determining the circumstances referred to in this point 4.2., the completed ESPD form – part IV shall be submitted in the tender. Criteria for the selection of the economic operator, Section A Ability to perform professional activities**

**4.3. Economic and financial capacity**

The economic operator must prove that its total annual turnover in the last three available financial years, depending on the date of establishment or the start of the economic operator's activities, if information about these turnovers is available, is cumulatively equal to or larger than the estimated purchase value.

**For the purpose of determining the circumstances referred to in this point 4.3., the completed ESPD form – part IV shall be submitted in the tender. Criteria for the selection of the economic operator, Section B Economic and financial capacity; point 1a)**

# 4.4 Selection criteria in the case of a grouping of economic operators

In the case of a group of economic operators, **each individual member of the group shall individually demonstrate:**

– that it is not in one of the situations due to which the economic operator is excluded from the public procurement procedure (obligatory grounds for exclusion under point 3 of these Procurement Documents)

– that it can jointly prove the required economic operator’s competencies referred to in points 4.1 and 4.3 of these Procurement Documents (technical and professional competence and economic and financial capacity).

- that it can prove (on its own) the required economic operator’s competencies referred to in point 4.2 of these Procurement Documents (ability to perform professional activities).

**4.5 DOCUMENTS DEMONSTRATING THE FULFILMENT OF THE CRITERIA FOR THE SELECTION OF THE ECONOMIC OPERATOR**

Economic operators shall be informed that the documents listed below **are not submitted with a tender**.

It is sufficient to fill in the e-ESPD form in the parts marked by the procuring entity as “required information” in accordance with point 5.2. of the Procurement Documents and attach it to the tender.

Pursuant to Article 263 of the PPA 2016, the procuring entity may request the tenderer who has submitted the most economically advantageous tender, within a reasonable period of time, and no less than 5 (five) days, to provide up-to-date supporting documents demonstrating the selection criteria as requested by this procurement document, unless already in possession of those documents.

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| **TECHNICAL AND PROFESSIONAL COMPETENCIES** | |
| Point 4.1.1. | * List of performed services (The list contains the value of the delivery, the date and the name of the other contracting party) |
| Point 4.1.2. | * Copies of diplomas or equivalent evidence of completed studies certifying the educational qualification of experts * Curriculum vitae of expert |
| Point 4.2. | * Extract from the judicial, trade, professional or other appropriate register, which is conducted in the country of his place of business |
| Point 4.3. | * Statement on the total turnover of the economic operator in the last 3 available financial years, depending on the date of establishment or start of activity of the economic operator, if information on these turnovers is available. |

# V EUROPEAN SINGLE PROCUREMENT DOCUMENT (ESPD)

# 5.1 Indication that the economic operator is obliged to submit the ESPD in the tender as preliminary evidence that it meets the required criteria for the qualitative selection of the economic operator

The economic operator is obliged to submit in the tender the e-ESPD as preliminary evidence that it meets the required criteria for the qualitative selection of the economic operator. The ESPD is an updated formal statement of the economic operator, which serves as preliminary evidence instead of certificates issued by public authorities or third parties, confirming that this economic operator:

1. is not in one of the situations due to which the economic operator is excluded or may be excluded from the public procurement procedure (grounds for exclusion defined in point 3 of the document), and that

2. it meets the required criteria for the selection of the economic operator (selection criteria defined in point 4 of the document).

# 5.2 Instructions for filling in the ESPD form

On the basis of the information contained in these procurement documents, the Procuring Entity created an electronic version of the ESPD form in .xml format – **e-ESPD request,** in which it entered the basic data and defined the requested evidence, as well as provided an **e-ESPD** request (.xml and .pdf format) attached to these procurement documents.

The economic operator is obliged to prepare and submit its answers on the e-ESPD form (.xml format) in accordance with the defined requirements of the Procuring Entity.

The economic operator is obliged, as preliminary proof that it meets the required criteria for the qualitative selection of the economic operator, to submit in the tender the ESPD, filled in with the available data in:

1. Part II, Sections A–D;
2. Part III, Sections A–B;
3. Part IV. Criteria for the selection of the economic operator, Section A: Ability to perform professional activities
4. Part IV. Criteria for the selection of the economic operator, Section B: Economic and financial capacity; point 1a)
5. Part IV. Criteria for the selection of the economic operator, Section C: Technical and professional competence, question 2 and 6
6. Part VI Final provisions

**The ESPD is completed in the parts marked by the Procuring Entity as “Required information”**

**Instructions for downloading e-ESPD requests and creating e-ESPD responses**

The **e-ESPD request** of the procuring entity is downloaded by economic operators in **.xml format** from the list of publications as part of the procurement documents, after which it creates a response through the EPPC RC platform.

**Creating e-ESPD responses in the EPPC RC through the ESPD module:**

In the “ESPD” menu, select “My ESPD”



and select the field “New ESPD response”



Download the ESPD request in .xml format.

After loading, the EPPC RC automatically prints out the basic data on the procedure, and the economic operator enters the responses for the requested data using the navigation of the EPPC RC (“next”, “Save and next” and “Back”). The e-ESPD form – the response is generated in the .pdf and .xml format.

**The e-ESPD response** is generated in .pdf and .xml format and downloaded by the economic operator in a .zip file to its computer.

At the time of submitting the electronic tender, the economic operator shall attach the generated e-ESPD form – response in .xml format.

**An economic operator who submits a tender independently, has no subcontractors and does not rely on the competence of other economic operators shall submit only one ESPD form in the tender.**

**An economic operator who submits a tender independently but relies on the competence of other economic operators shall submit a completed ESPD form for itself and a separate completed ESPD form for each individual economic operator on which it relies (see Part II, Section C of the ESPD form).**

**An economic operator intending to subcontract any part of the contract to third parties shall submit a completed ESPD form for itself and a separate completed ESPD form for the subcontractor whose competence it does not rely on (see Part II, Section D of the ESPD form).**

**In the case of a grouping of economic operators, each member of the grouping of economic operators shall submit a separate ESPD form setting out the relevant data for each member of the grouping of economic operators in accordance with the requirements of these Procurement Documents.**

The ESPD form lists the issuers of supporting documents and it contains a statement that the economic operator will be able, upon request and without delay, to submit to the Procuring Entity certificates and other forms of the said supporting documentation.

If the Procuring Entity can obtain supporting documents directly, by accessing the database, the economic operator shall indicate in the ESPD form the information required for this purpose, e.g. the internet address of the database, all the identification data and a statement of consent, if applicable.

The Procuring Entity may at any time during the public procurement procedure, if necessary for the proper conduct of the procedure, **check the information provided on the ESPD form** with the competent authority for keeping official records of such data in accordance with special regulations and request the issuance of a certificate thereof or evidence already in its possession, or direct access by electronic means of communication to a free national database in the Croatian language.

If the verification or confirmation in accordance with the previous paragraph cannot be performed, the Procuring Entity may require the economic operator to submit all or part of the updated supporting documents or evidence within a reasonable time, no less than five days.

**The ESPD does not need to be signed or authenticated with a stamp.**

# VI DETAILS OF THE TENDER

# 6.1 Contents and method of preparation of the tender

Pursuant to Article 7 (1) to (5) of the Ordinance, the tender shall contain:

1. completed tender sheet, including the tender submission bundle submitted by electronic means of communication via the EPPC RC
2. completed Cost Statement
3. completed ESPD
4. Document required by point 6.7 of the Procurement Documents for scoring purposes under the award criteria

The tender sheet shall contain:

1. information on the procuring entity (name or company, registered office, Tax No. (*OIB*));
2. information on the tenderer or each member of the grouping of economic entities with the obligatory indication of the member who is the head of the grouping and authorised to communicate with the procuring entity (name or company, registered office, Tax No. (*OIB*) or national identification number, account number, indication whether the tenderer is in the VAT system, postal address, e-mail address, contact person of the tenderer, telephone and fax number);
3. subject of the procurement;
4. data on subcontractors and data on the part of the public procurement contract if a part of the public procurement contract is subcontracted;
5. tender price without VAT;
6. amount of VAT;
7. tender price with VAT;
8. validity period of the tender.

If the tenderer is not in the VAT system, the same amount as entered in the place provided for entering the tender price without VAT shall be entered in the tender sheet in the place provided for entering the tender price with VAT, while the place intended to enter the amount of VAT shall be left blank.

For tenderers who are not established in the Republic of Croatia, the place provided for the entry of the amount of VAT is left blank, and in the place provided for the entry of the tender price with VAT, the same amount is entered as in the place provided for entry of the tender price without VAT.

In the case of a grouping of economic operators, the tender sheet shall contain the information referred to in Article 7(2), point 2 of the Ordinance (name or company, registered office, Tax No. (*OIB*) or national identification number, account number, indication of whether the tenderer is in the VAT system, postal address, e-mail address, contact person of the tenderer, telephone and fax number); for each member of the grouping with the obligatory indication of the member who is the head of the grouping and authorised to communicate with the procuring entity.

# 6.2 Delivery of part/parts of the tender in paper form in a sealed envelope

Not applicable.

# 6.3 Amendments to the tender and withdrawal from the tender

Within the deadline for the submission of tenders, the tenderer may amend its tender or withdraw from it. If the tenderer is to amend the tender during the deadline for the submission of tenders, the tender shall be deemed to have been submitted at the time of the submission of the last amendment to the tender.

When amending a tender, the previously submitted tender shall be automatically cancelled, which means that by uploading a new amended tender, a new tender containing the amended data is submitted. By uploading and saving the new tender submission bundle in the EPPC RC, a new amended tender is sent to the Procuring Entity.

This step requires re-uploading/entering the financial characteristics of the tender (cost statement and/or tender sheet in the case of non-standardised cost statements) in the EPPC RC system. If the old tender submission bundle is submitted, the tender will not be safely bound and will be considered incorrect (a tender not made in accordance with the procurement documents).

The tenderer withdraws from the tender in the same way as for the submission of the tender, in the EPPC RC, by selecting the option “Withdrawal”.

After the deadline for the submission of tenders, the tender may not be changed.

**6.4 Tender Variants**

Tender Variants are not allowed.

**6.5 Method of determining the tender price**

The unit prices referred to in the Cost Statements shall be fixed for the duration of the contract. The tender price without value-added tax must include all the necessary costs and discounts.

The price shall be expressed in USD (US dollars).

The tenderer shall offer, i.e. enter the unit price and the total price (rounded to two decimal places) for each item of the Cost Statement and the tender price without value-added tax, in the manner specified in the Cost Statement.

If the tenderer is not in the value-added tax system, if the tenderer is not established in the Republic of Croatia or if the subject of procurement is exempt from value-added tax, the same amount as entered in the place provided for entering the tender price without value-added tax shall be entered in the tender sheet and cost statement in the place provided for entering the tender price with value-added tax, while the place intended to enter the amount of value-added tax shall be left blank.

**6.6 Currency of the tender**

The tenderer shall express the tender price in US dollars (USD).

# 

**6.7 Award criteria**

The award criterion is the most economically advantageous tender under Article 283 of the PPA 2016.

If two or more valid tenders are equally ranked according to the selection criteria, the Procuring Entity shall, in accordance with Article 302(3) of the PPA 2016, select the tender that was received earlier.

The most economically advantageous tender criterion is the price-quality ratio, and below are the weights that will be awarded according to the individual criteria.

The most economically advantageous tender, which is scored as follows:

|  |  |  |
| --- | --- | --- |
| **DESCRIPTION** | **MAXIMUM NO. OF POINTS PER CRITERION** | **MAXIMUM SHARE (%) IN THE TOTAL NUMBER OF POINTS** |
| Price (P) | 30 | 30% |
| Specific experience of experts (S) | 70 | 70% |
| Maximum number of points | 100 | 100% |

The most economically advantageous tender, which is scored as follows:

* the lowest price with VAT brings a maximum of 30 points, which is scored according to the formula “the lowest tender price / price of the scored tender x 30 points = rounded to two decimal places”;
* The specific experience of the experts brings a maximum of 70 points, which is scored **as follows**:

**Expert 1 –** **National Team Leader:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Coordinating role in ICZM projects in Lebanon | 0-2 | 0 | 10 |
| 3–5 | 3 |
| 6–8 | 5 |
| 9 or more | 8 |
| Participation in international ICZM projects | 0-2 | 0 |
| 3 or more | 2 |

**Expert 2 - ICZM / Biologist:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in projects relevant to coastal biodiversity protection and/or coastal management and/or MSP in Lebanon | 0-4 | 0 | 7 |
| 5-8 | 3 |
| 9 or more | 5 |
| Participation in international ICZM projects | 0-2 | 0 |
| 3 or more | 2 |

**Expert 3 -** **Spatial planner:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in projects relevant to sustainable spatial development and/or coastal and marine planning in Lebanon | 0-2 | 0 | 8 |
| 3-5 | 2 |
| 6 or more | 4 |
| Participation in projects including development of a methodology for sustainable spatial development | 1 | 1 |
| 2 or more | 2 |
| Participation in international projects on sustainable spatial development | 0-2 | 0 |
| 3 or more | 2 |

**Expert 4 -** **Environmental economist:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in environmental economics related projects in Lebanon | 0-2 | 0 | 7 |
| 3-7 | 3 |
| 8 or more | 5 |
| Participation in international environmental economics related projects | 0-2 | 0 |
| 3 or more | 2 |

**Expert 5 -** **Environmental Legal expert:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in environmental legislation related projects in Lebanon | 0-2 | 0 | 8 |
| 3-7 | 3 |
| 8 or more | 6 |
| Participation in international environmental legislation related projects | 0-2 | 0 |
| 3 or more | 2 |

**Expert 6 – Sociologist:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in applied projects relevant to ICZM and/or sustainable development in Lebanon | 0-2 | 0 | 7 |
| 3-5 | 4 |
| 6 or more | 7 |

**Expert 7 -** **Policy coherence expert:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in projects relevant to ICZM in Lebanon | 0-2 | 0 | 7 |
| 3-5 | 4 |
| 6 or more | 7 |

**Expert 8 - GIS specialist:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in projects aiming for sustainable development in Lebanon | 0-2 | 0 | 7 |
| 3-5 | 3 |
| 6 or more | 6 |
| Participation in flood risk assessment in Lebanon | NO | 0 |
| YES | 1 |

**Expert 9 -** **Environmental Journalist:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Participation in projects relevant to sustainable coastal development and/or ICZM | 0-1 | 0 | 5 |
| 2-3 | 3 |
| 4 or more | 5 |

**Expert 10 -** **Technical producer of the Coastal Platform:**

|  |  |  |  |
| --- | --- | --- | --- |
| **Criterion** | **Number of projects** | **Number of points** | **Maximum number of points** |
| Developed web sites | 0-1 | 0 | 4 |
| 2-3 | 2 |
| 4 or more | 4 |

**Overall score (OS)**

**Where:**

**P** – Number of tender points for the tender price with VAT, after scoring

**S** – Number of tender points for the specific experience of experts (experts 1-10)

**For the purpose of determining the criteria of the most economically advantageous tender, the tender shall include**

* List of projects: name of the project and short description, name of the Client / Procuring Entity, role of the expert, period of performance of the service, contact for verification – **the Procuring Entity has made available to these Procurement Documents a template for completion** **(Annex 1)**

# 6.8 Language and alphabet of the tender

The tender, together with the accompanying documents, shall be prepared in English and in the Latin script.

If some of the parts of the tender required by the procurement documents are in another foreign language, the tenderer shall, at the request of the procuring entity in accordance with Article 263 (2) of the PPA 2016, in addition to the said document in a foreign language, also provide a translation into English of that document.

Tenderers shall be allowed to use certain foreign words in the tender, terms that do not affect the comprehensibility of the tender, such as professional words, internationalisms and others that are generally understandable and that do not affect the comprehensibility of the tender according to the court of the procuring entity. Other words or statements shall be in English or in accordance with the previous reference of this point.

The Procuring Entity reserves the right to apply the provisions of Article 263(2) of the PPA 2016 for the purpose of clarifying and amending the request for a certified translation in relation to the documents and certificates referred to in Article 265 of the PPA 2016.

# 6.9 Validity period of the tender

The validity period of the tender shall be at least **3 months** from the date set for the submission of tenders.

The tenderer shall be obliged by the tender until the expiration of the validity period of the tender, and at the request of the Procuring Entity, the Tenderer may extend the validity period of its tender.

**6.10 A tender submitted by electronic means of communication through the EPPC RC shall be binding for the tenderer within the validity period of the tender**

The tender submitted by electronic means of communication through the EPPC RC shall be deemed to be binding for the tenderer within the validity period of the tender, regardless of whether it is signed. The Procuring Entity may not reject such a tender for that reason alone.

# VII OTHER PROVISIONS

* 1. **Provisions relating to the grouping of economic operators**

The Procuring Entity does not require the grouping of economic operators to have a certain legal form at the time of submission of the tender, but may require it to have a certain legal form after the conclusion of the contract to the extent necessary for the proper performance of the contract.

This could be, for example, a mutual agreement, a business cooperation agreement or the like. The mentioned legal act should address the mutual relations of members of the grouping of economic operators related to the performance of public procurement contracts, for example – the delivery of guarantees for the proper performance of public procurement contracts, parts of contracts to be performed by each member of the grouping of economic operators in the fulfilment of the public procurement contract, informing the Procuring Entity about changes related to the signatories of the public procurement contract, manner of communication (which grouping member to which e-mail, etc.), method of concluding the contract and the signatory, issuing guarantees based on the contract, communication related to the performance of contracts, issuance of invoices, payment of invoices, signing of handover records and other important issues.

* 1. **Provisions relating to subcontractors**

The Procuring Entity shall not require the economic operators to subcontract part of the public procurement contract or to engage certain subcontractors nor restrict them in doing so, unless otherwise provided by a special regulation or international agreement.

During the performance of the public procurement contract, the contractor may request from the procuring entity:

1. change of subcontractor for that part of the public procurement contract, which had previously been subcontracted;

2. introduction of one or more new subcontractors, the total share of which may not exceed 30% of the value of the public procurement contract without value-added tax, whether or not it has previously subcontracted part of the public procurement contract

3. taking over the performance of part of the public procurement contract, which had previously been subcontracted.

Upon request, the contractor shall provide the procuring entity with information and documents pursuant to Article 222(1) of the LPP 2016 for the new subcontractor.

In accordance with Article 225 of the LPP 2016, the procuring entity shall not approve the request of the contractor:

1. in the case referred to in Article 224(1), points 1 and 2 of the PPA 2016, if the contractor in the public procurement procedure, for the purposes of demonstrating the fulfilment of the criteria for the selection of the economic operator, relied on the competence of a subcontractor that is now to be replaced, and the new subcontractor does not meet the same conditions, or if there are grounds for exclusion

2. in the case referred to in Article 224(1), point 3 of the PPA 2016, if the contractor in the public procurement procedure, for the purposes of demonstrating the fulfilment of the criteria for the selection of the economic operator, relied on the subcontractor’s competence to perform that part, and the contractor does not have such competence, or if that part of the contract has already been performed.

Pursuant to Article 226 of the PPA 2016, the participation of subcontractors does not affect the responsibility of the contractor for the performance of the public procurement contract.

Pursuant to Article 221 of the PPA 2016, the Procuring Entity shall be obliged to apply the grounds for exclusion referred to in Article 252(1) of the PPA 2016 to the subcontractors. Other grounds for the exclusion of the economic operator set out in this document shall apply to subcontractors.

If the Procuring Entity determines that there are grounds for the exclusion of the subcontractor, it shall request the economic operator to replace that subcontractor within a reasonable time, not less than five days.

* 1. **Data on appointed subcontractors**

The economic operator that intends to subcontract a part of the public procurement contract shall be obliged, within the tender, to:

1. indicate which part of the contract it intends to subcontract (subject or quantity, value or percentage)

2. provide information on the subcontractors (name or company, registered office, Tax No. (*OIB*) or national identification number, account number, legal representatives of subcontractors)

3. submit the European Single Procurement Document for the subcontractor.

If the economic operator has subcontracted part of the public procurement contract, the data referred to in Article 222 (1), points 1 and 2 of the PPA 2016 must be specified in the public procurement contract.

* 1. **Payment to subcontractors**

The Procuring Entity shall pay the subcontractor directly for the part of the contract performed by it, unless this is not applicable for justified reasons related to the nature of the contract or specific conditions of its performance, provided that those reasons were stated and substantiated in the procurement documents or the contractor has demonstrated that the obligations to the subcontractor for that part of the contract have already been settled.

The contractor shall attach to its invoice or situation the invoices or situations of its subcontractors that it has previously confirmed.

# 7.6 Date, time and place of submission of tenders and the public opening of tenders

The tenderer must submit its electronic tender by submitting it to the Electronic Public Procurement Classifieds of the Republic of Croatia, no later **than**

**November 10th 2023 by 10:00 AM CET (GMT +02:00)**

**when the public opening of tenders at the following address will also begin:**

**Miramarska cesta 36, 10 000 Zagreb**

Pursuant to Article 282(8) of the PPA 2016, the right of active participation in the public opening of tenders shall be held only by members of the Public Procurement Expert Panel and by the authorised representatives of the tenderers.

The authorised representatives of the tenderers shall submit their written authorisation to the members of the Expert Panel immediately before the public opening of tenders. The authorisation shall be signed by the authorised person of the tenderer and stamped, and in case the authorised person is present at the opening of the tenders, instead of the authorisation, it shall bring a copy of the registration/craft licence and a copy of an identification document or other document from which their representative capacity can be determined and shall submit them to the present members of the Expert Panel.

# 7.8 Documents to be returned to the tenderers after the completion of the public procurement procedure

All electronically submitted tenders will be stored by the EPPC RC in a way that enables the preservation of data integrity.

In case of the annulment of the public procurement procedure before the expiry of the deadline for the submission of tenders, the EPPC RC shall permanently disable access to tenders submitted by electronic means of communication, while the Procuring Entity shall return unopened any tenders, other documents or parts of tenders submitted by non-electronic means of communication.

# 7.9 Specific conditions for the performance of contracts

Not applicable.

# 7.10 Indication of the application of commercial practices (trade customs)

Not applicable.

# 7.11 Deadline for making a decision on selection and/or annulment

Based on the established facts and circumstances in the public procurement procedure, the Procuring Entity shall make a decision on the selection or, if there are grounds for the annulment of the public procurement procedure referred to in Article 298 of the PPL 2016, a decision on annulment.

The decision on selection or the decision on the annulment of the public procurement procedure with a copy of the review and evaluation report, the Procuring Entity shall deliver to participants through the EPPC RC.

The deadline for making a decision on selection or a decision on the annulment of the public procurement procedure is **30 (thirty) days** from the expiry of the deadline for the submission of tenders.

# 7.12 Deadline, method and conditions of payment

# The Contract will be made in US dollars (USD) currency.

# The Client shall make payment/s to the selected Tenderer upon the submission of the deliverable/s and its validation by PAP/RAC.

# The Client shall make the payment to the selected Tenderer in four instalments i.e.:

# • 30% upon submission and clearance by PAP/RAC of all the WP1 deliverables and deliverables 4.1.1; 4.1.2, and 4.1.3.

# • 20% upon submission and clearance by PAP/RAC of the following deliverables: 2.1.1; 2.2.1; 2.2.2; 3.1.1; 3.1.2.

# • 20% upon submission and clearance by PAP/RAC of the following deliverables: 2.1.2; 2.1.3; 2.2.3; 2.2.4; 3.1.3.

# • 30% upon submission and clearance by PAP/RAC of the following deliverables: 4.2.1; 4.2.2; 4.2.3, and all deliverables of the WP 5.

# An advance payment by the Client is not permitted.

# 7.13 Conditions and requirements to be met in accordance with specific regulations or professional rules

Not applicable.

# 7.14 Deadline for filing an appeal against the procurement documents and the name and address of the Appellate Body

The deadline for filing an appeal shall be 10 (ten) calendar days from the date of

* publication of the call for competition, in relation to the content of the call or procurement documents,
* the publication of a correction notice, in relation to the content of the correction,
* the publication of changes to the procurement documents, in relation to the content of the changes to the documents,
* the opening of tenders in relation to the failure of the Procuring Entity to properly respond to a timely submitted request for additional information, explanations or changes to the procurement documents and the procedure for opening tenders,
* receipt of the decision on selection or annulment, in relation to the procedure for the review, evaluation and selection of tenders, or the reasons for annulment.

Name and address of the Appellate Body: State Commission for the Supervision of Public Procurement Procedures, Vukovarska 23, 10 000 Zagreb.

Article 405 of the PPA 2016.:

(1) The complaint shall be declared to the State Commission in writing.

(2) The complaint is submitted directly, by electronic means of communication through the interconnected information systems of the State Commission and the EOJN RH.

# 7.15 Other information deemed necessary by the Procuring Entity

# 7.15.1 Relying on the competence of other operators

If the economic operator relies on the competence of other operators, it must demonstrate to the Procuring Entity that it will have at its disposal the required resources necessary for the performance of the contract, for example by accepting the obligation of other operators to make those resources available to the economic operator. Acceptance of an obligation may, for example, take the form of:

Statements of the economic operator that it will make its resources available to the tenderer for the performance of the subject of procurement or the Business Cooperation Agreement for the performance of the subject of procurement.

The statement on the provision of resources or the Business Cooperation Agreement shall contain at least:

* name and registered office of the economic operator providing the resources,
* name and registered office of the tenderer to which the resources are to be provided,
* clearly and precisely stated resources that are to be provided for the purpose of the performance of the contract,
* signature and stamp of the authorised person of the economic operator that makes the resources available, or in the case of the agreement/contract on business cooperation, signature and stamp of the contracting parties.

A grouping of economic operators may rely on the competence of members of the grouping or other operators under the conditions specified in the PPA 2016.

Evidence that the tenderer will have at its disposal the required resources necessary for the performance of the contract does not need to be submitted as part of the tender. The evidence will be required from the tenderer that submits the most economically advantageous tender.

**7.15.2 Concluding and performing a public procurement contract**

The contracting parties shall conclude a public procurement contract in writing within 90 days from the day of execution of the selection decision. The public procurement contract must be concluded in accordance with the conditions specified in these Procurement Documents and the selected tender, while the contracting parties shall perform the public services contract in accordance with the conditions specified in these Procurement Documents and the selected tender. The Procuring Entity shall be obliged to control whether the performance of the contract is in accordance with the conditions specified in these Procurement Documents and the selected tender. In addition to the provisions of the PPA 2016, the provisions of the law governing obligatory relations shall apply accordingly to the liability of the contracting parties for the fulfilment of obligations under the public procurement contract.

Force Majeure

If a contracting party is prevented or delayed from performing any of its obligations under this Contract due to the Force Majeure, the affected party shall take reasonable steps to adapt the activities, in agreement with the other party, to the new circumstances. If possible, the revision of the contract will be added as an annexe to the contract. If force majeure results in that the contract cannot be fulfilled, the contract shall be terminated, and the party suffering from the force majeure shall not be liable for the termination of the contract caused by the force majeure. If part of the contract cannot be performed or is delayed due to force majeure, the party affected by the force majeure shall not be liable for any breach of contract for such part of the contract that cannot be performed or that is delayed to be completed.

# 7.15.3 Amendments to the public procurement contract

**Amendments to the contract**: according to the provisions of Article 314 to 321 of the PPA 2016, the Procuring Entity may amend the public procurement contract during its duration without conducting a new public procurement procedure in accordance with the provisions of Articles 315 to 321 of the PPA.

Amendments to the contract will be regulated by a written appendix to the contract.

**7.15.4 Termination of the Contract**

The procuring entity shall terminate the public procurement contract during its duration if:

1. the contract has been substantially amended, which would require a new procurement procedure pursuant to Article 321 of the PPA 2016

2. the contractor had to be excluded from the public procurement procedure due to the existence of grounds for exclusion from Article 251(1) of the PPA 2016

3. the contract should not have been awarded to the contractor due to a serious breach of the obligations under the Founding Treaties and Directive 2014/24/EU, established by the judgment of the Court of Justice of the European Union in the proceedings referred to in Article 258 of the Treaty on the Functioning of the European Union

4. the contract should not have been awarded to the contractor due to a serious breach of the provisions of the PPA 2016, which was determined by a final judgment of the competent administrative court.

**7.15.5 Confidentiality of the documents of the economic operators**

In the course of public procurement, the economic operator may, on the basis of a law, other regulation or general act, declare certain information to be confidential, including technical or trade secrets and the confidential nature of tenders and requests to participate. If the economic operator has classified certain information as confidential, **it shall state the legal basis on which such data has been classified and to submit an act on the basis** of which it is possible to verify whether there is a legal basis for classifying that data as confidential. The Procuring Entity has the right to request the delivery of an ordinance or other act on the basis of which the economic operator has classified some information as confidential. The economic operator shall not classify as confidential: tender price, cost statement, catalogue, data related to the criteria for the selection of the tender, public documents, excerpts from public registers and other data that under specific statutory or regulatory provisions must be made public or must not be classified as confidential.

**7.15.6 Consultation of the documents of the public procurement procedure**

The Procuring Entity shall, upon the submission of the decision on the selection or annulment and until the expiry of the period of complaint, at the request of the tenderer, allow access to the entire documentation of the procedure in question, including records and submitted tenders, except for those documents that are classified as confidential and those parts of the documentation the applicant has direct access to through the EPPC RC.

**7.15.7 Bodies from which the tenderer may obtain valid information**

Bodies from which the tenderer may obtain valid information on obligations relating to taxes, environmental protection, workplace protection provisions and working conditions in force in the area where the services will be provided and that will be applicable to the services to be provided for the duration of the contract, are:

* Ministry of Finance, Tax Administration, Regional Office of Split.

# VIII INTEGRAL PARTS OF THE PROCUREMENT DOCUMENTS

The following attachments to the Procurement Documents shall be considered integral parts thereof:

* Bill of Quantities (Annex 2)
* Standard form for the European Single Procurement Document (e-ESPD)
* Description of the service
* List of projects (Annex 1)

**Annex 1**

**Previous experience in projects (Point 6.7)**

**EXPERT 1 - National Team Leader**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
| 1 |  |  |  |  |  |  |
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**EXPERT 2 - ICZM / Biologist**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 3 - Spatial planner**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 4 - Environmental economist**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 5 - Environmental Legal expert**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 6 - Sociologist**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 7 - Policy coherence expert**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 8 – GIS specialist**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Project in Lebanon (YES/NO) | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 9 – Environmental Journalist**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Year (start-end) | Client’s contact (telephone, e-mail) |
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**EXPERT 10 – Technical producer of the Coastal Platform**

Number of projects in which the proposed person (*Name and Surname*) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, was involved:

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| --- | --- | --- | --- | --- | --- |
| No. | Name of the project and short description | Role of the expert | Name of the client/procuring entity | Year (start-end) | Link to a web site |
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