



# **DYNAMIC PURCHASING SYSTEM (DPS) FOR CONSTRUCTION MATERIALS**

Reference: EUMM-24-9262

## **DPS TENDER SPECIFICATIONS**

### **INTRODUCTION**

This document gives instructions for participation in the Dynamic Purchasing System (DPS) chosen by European Monitoring Mission in Georgia (EUMM) for the procurement of construction materials for maintenance and repair. DPS is a form of restricted procurement procedure pursuant to Article 164(1)(b) of the Financial Regulation., and it occurs in two stages:

#### **Stage 1: Participation in the DPS**

Any economic operator (i.e. legal person) can request to participate in the DPS by filling in an Application. The number of Candidates is not limited. Economic operators can request to participate at any time throughout the duration of the DPS.

The Contracting Authority will assess the submitted Applications. The Contracting Authority admits all Candidates not subject to restrictive measures, , not in an exclusion situation, fulfilling the selection criteria to become Participants in the DPS and whose requests to participate are administratively compliant.

The conditions for Candidates to request participation in the DPS are detailed in Section 2 (*Stage one – Participation in the DPS.*)

#### **Stage 2: Tendering in Mini-Competitions**

When the Contracting Authority wishes to award a PO under the DPS, it sets up a Mini-Competition in which Participants can submit tenders for specific scope of the Mini-Competition. Only Participants previously admitted in the DPS are invited to join a Competition and submit a offer. The Contracting Authority evaluates the submitted offers. The present DPS Specifications describe the general set-up for Mini-Competitions in the DPS. The specific scope and conditions applicable to each Mini-Competition are specified in the Tender Specifications of the respective Mini-Competition.

At the conclusion of a Mini-Competition, the Contracting Authority may award one or more POs to participant/s on the basis of the lowest price award criteria.

The general conditions for Participants to join and submit tenders in Mini-Competitions inside the DPS are detailed in section 3 *Stage two - Tendering in Mini-Competitions.*

## **1. SCOPE AND DESCRIPTION OF THE DPS**

### **1.1. Scope**

The general scope of this DPS is procurement of building materials necessary to repair, maintain and renovate EUMM premises, specifically but not limited to consumable materials necessary for constructions, plumbing and electrical maintenance.

The exact scope and requirements of each PO will be determined in the procurement documents of the respective Mini-Competition.

The following CPV codes are describing the categories of supplies to be delivered under this DPS:

- 44110000-4 Construction materials
- 44160000-9 Pipeline, piping, pipes, casing, tubing and related items
- 44190000-8 Miscellaneous construction materials

### **1.2. Place of delivery**

The place of delivery of the supplies shall be EUMM Warehouse 15 Nestan-Darejani Street (Didi Dighomi), Tbilisi, Georgia or at other addresses in Tbilisi, Georgia. Specific requests for other locations within Georgia are possible in the scope of a Mini-Competition.

More information and specific requirements in terms of place(s) of delivery/performance may be specified in the procurement documents of the respective Mini-Competition.

### **1.3. Nature of the Contracts resulting from Mini-Competitions**

Each Mini-Competition will result in PO/s.

Participants submitting tenders in a Mini-Competition will need to take full account of the full set of procurement documents, including the provisions of the draft PO, as the procurement documents will define and govern the contractual relationship(s) to be established between the Contracting Authority and the successful Participant/s. Once this contractual relationship is established, i.e. when the PO is signed by both parties, the successful Participant becomes a Contractor. Special attention is to be paid to the provisions specifying the rights and obligations of the Contractor, in particular those on payments, performance of the PO, data protection, confidentiality, and checks and audits.

### **1.4. Volume and value**

The estimated total value of the DPS is **80,000.00 EUR**. It is established by combining the estimated value of the POs to be awarded in the DPS.

This value is only provided as an indicative estimate and it does not constitute as a commitment from the Contracting Authority.

The maximum amount for each PO signed following a Mini-Competition shall be determined by the total amount of the successful Participant's financial offer for the overall estimated volume of purchases in the Mini-Competition.

### **1.5. Timeline and duration**

#### ***1.5.1. Timeline of the DPS***

The DPS is launched on the date the contract notice is published on the EUMM website at [https://www.eumm.eu/en/about\\_eumm/tenders](https://www.eumm.eu/en/about_eumm/tenders).

Once the DPS is launched, economic operators can apply to participate in it at any time throughout its duration, in order to be able to tender in the future Mini-Competitions. The Contracting Authority shall complete its assessment of Applications within fifteen (15) days of their receipt. However, the Contracting Authority may extend the assessment period further, provided that no invitation to tender is issued in the meantime. During the 15-day review period after the submission of an Application, the Contracting Authority reserves the right to launch a new Mini-Competition without finalising the assessment of that Application.

In any case, the Contracting Authority informs the Candidates as soon as possible whether or not they have been admitted becoming Participants in the DPS.

In order to allow interested economic operators a sufficient amount of time to apply for participation in the DPS, the first Mini-Competition is to be published at least 30 days after the launch of the DPS.

When launching a Mini-Competition for the award of a PO, the Contracting Authority invites all Participants admitted to the DPS to submit a tender for this Mini-Competition within a reasonable amount of time. The time limit set by the Contracting Authority for the receipt of tenders may not be less than ten days from the day following the date on which the invitation to tender is dispatched.

The Contracting Authority may publish Mini-Competitions within the duration of the DPS. POs may be awarded, concluded and enter into force even after the date on which the DPS expires, provided that the Mini-Competition was launched within the DPS time limit. Where relevant, the provisions of the DPS specifications and the other procurement documents published at DPS stage 1 level remain applicable to the Mini-Competitions published within the duration of the DPS and to the POs resulting from these Mini-Competitions.

#### ***1.5.2. Duration of the DPS***

The DPS has a planned duration of **2 (two) years** which starts at the date of its publication.

The expiry of the DPS does not affect Mini-Competitions launched within the duration of the DPS nor POs resulting from such Mini-Competitions.

#### ***1.5.3. Duration of the PO/s***

Mini-Competitions determine the duration of the respective resulting PO/s (initial periods and possible renewals). Both the initial periods and the possible renewals may have start dates and expiry dates after the expiry of the DPS (for the cases where PO/s may start (enter into force) after the expiry of the DPS see the last paragraph of section 1.5.1).

#### ***1.5.4. Termination of the DPS***

The Contracting Authority may terminate the DPS at any time and for any reason. The termination of the DPS by the Contracting Authority does not affect the implementation or duration of POs previously awarded.

## 2. STAGE ONE – PARTICIPATION IN THE DPS

Any economic operator can request to participate in the DPS by sending following documents to the Contracting Authority using the form attached to these DPS documents:

- **Request to participate form**
- **Declaration on honour**
- **A financial identification form** to indicate the bank account into which payments should be made if the tender is successful. (If the tenderer has already signed another PO with the European Commission, it may provide instead either its financial identification form number or a copy of the financial identification form provided on that occasion, unless it has changed in the meantime.
- **Legal entity file**
- **Duly authorized signature** an official document (statutes, power of attorney, notary statement, etc.) proving that the person who signs on behalf of the company/joint venture/consortium is duly authorized to do so.

### 2.1. Assessment of applications

The assessment of the Application will consist of the following elements:

- Check if the Candidate and concerned involved entities are not subject to restrictive measures;
- Verification of administrative compliance: check if the Application is drawn up in one of the official EU languages and the appropriate documents are signed by duly authorised representatives of the Candidate
- Verification of non-exclusion on the basis of the exclusion criteria;
- Selection on the basis of the selection criteria as published in Section 14 of the Additional Information about the Contract Notice

The Contracting Authority assesses the abovementioned elements in the order that it considers to be the most appropriate. If the assessment of one or more elements demonstrates that there are grounds for rejection, the Application will be rejected and may not be subjected to further full assessment. The unsuccessful Candidate will be informed of the ground for rejection without being given feedback on the non-assessed content of its Application.

The assessment will be based on the information and evidence contained in the Application and, if applicable, on additional information and evidence provided at the request of the Contracting Authority during the procedure. If any of the declarations or information provided proves to be false, the Contracting Authority may impose administrative sanctions (exclusion) on the entity providing the false declarations/information.

For the purposes of the assessment related to exclusion and selection criteria, the Contracting Authority may also refer to publicly available information, in particular evidence that it can access on a national database free of charge.

Upon assessment of its Application, the Contracting Authority admits the Candidate for whom the verification of all elements did not reveal grounds for rejection, to participate in the DPS.

#### 2.1.1. Exclusion criteria

The objective of the exclusion criteria is to assess whether the Candidate or any of the Involved Entities is in any of the exclusion situations listed in Section 2.6.10.1 of the Practical Guide.

A completed Declaration on Honour signed by the representative of the entity providing must be submitted with their Application as evidence of non-exclusion.

The documents mentioned in the Declaration on Honour as supporting evidence on non-exclusion of the economic operator (the documentary evidence) **must not provided** with the Application but the Contracting Authority reserves the right to ask them at any point throughout the duration of the DPS and the resulting POs. If the supporting documents do not confirm the statements made by the Participant in the Declaration on Honour, this may lead to the rejection of the tender and to termination of the participation of the Candidate/Participant in the DPS.

The full verification of non-exclusion of Candidates will be done on the basis of the submitted declarations, consultation of the [Early Detection and Exclusion System \(EDES\)](#).

### ***2.1.2. Selection criteria***

The objective of the selection criteria is to assess whether the Candidate has the legal, regulatory, economic, financial, technical and professional capacity to perform the POs resulting from the Mini-Competitions.

The selection criteria for this DPS, including the minimum level of capacity, the basis for assessment and the requested evidence, are specified in **Section 14 of the Additional Information about the Contract Notice**.

The Contracting Authority reserves the right to admit the Candidates to DPS only on the basis of the submitted declarations and information provided on the Request to Participate Form.

The Contracting Authority reserves the right to request and to verify up-to-date versions of the supporting documents at any time throughout the duration of the DPS and the resulting POs.

## **2.3. Submission of Application**

Candidates must submit their Application electronically by email at any time during the validity of this DPS.

They must include the requested documents listed in Section 2 above and must be sent to an email address [dps@eumm.eu](mailto:dps@eumm.eu)

## **2.4. Admittance, rejection, withdrawal and termination**

### ***2.4.1. Admittance for participation in the DPS***

The Contracting Authority assesses the submitted Applications and admits all Candidates not subject to restrictive measures, not in an exclusion situation and fulfilling the selection criteria, and whose requests to participate are administratively compliant.

The Contracting Authority sends an email notification to the Candidate whose Application in the DPS has been admitted.

Once admitted, a successful Candidate becomes a Participant to the DPS and has access to the Mini-Competitions which are organised in the DPS after its admission. Past and

on- going Mini-Competitions are not available to a new Participant.

The Contracting Authority may request the Participant to provide updated information regarding their Application on a regular basis.

#### ***2.4.2. Rejection of request to participate in the DPS***

An Application to the DPS is rejected in any of the following cases: the Candidate is subject to restrictive measures or is in an exclusion situation or does not fulfil the selection criteria, or the request to participate is not administratively compliant.

The Contracting Authority sends an electronic notification to the Candidate whose Application in the DPS has been rejected.

Economic operators whose Application was rejected, have the right to resubmit a new revised Application at any time, within the DPS duration.

#### ***2.4.3. Withdrawal from participation in the DPS***

The Participant in the DPS can withdraw from it at any time by sending a Notification via email to the Contracting Authority.

Withdrawal is effective immediately upon receipt by the Contracting authority and is applicable to the DPS and any on-going Mini-Competition.

Withdrawal from the DPS does not impact existing Contracts signed between the Participant and the Contracting Authority.

If an economic operator who withdrew from the DPS applies again in the, the subsequent Application will be considered a new Application, subject to a new assessment by the Contracting Authority, and all conditions for admission will be reviewed. If the new subsequent Application is successful, the economic operator will be admitted as a new Participant in the DPS.

#### ***2.4.4. Termination of the participation in the DPS***

The Contracting Authority may terminate the participation of a Participant in the DPS via email Notification in any of the following cases:

- if the Participant has misrepresented the information required as a condition for participating in the procedure when applying to the DPS or has failed to supply that information;
- if the Participant does not provide updated information or updated documents supporting its Application;
- if the procedure for admitting the Participant in the DPS proves to have been subject to errors, irregularities or fraud;
- if the Participant is found not to meet the conditions for participation in the DPS anymore;

Termination of the participation in the DPS is effective immediately upon receipt by the Participant of the termination Notification and applicable to the DPS and any on-going Mini-Competition.

### **3. STAGE TWO - TENDERING IN MINI-COMPETITIONS**

When the Contracting Authority identifies a need, it will organise a Mini-Competition through the DPS. Only economic operators who have already been admitted to participate in the DPS (the Participants) are invited to tender in this Participants may choose to respond to this invitation by submitting a tender Mini-Competition.

The Contracting Authority will evaluate the tenders and select the most economically advantageous tender. The award of a Mini-Competition will be the lowest price.

The tenders will be ranked in accordance with the Tender Specifications of each Mini-Competition. The PO(s) is/are awarded to the tender(s) ranked first, which complies with the minimum requirements specified in the procurement documents. A Participant who is awarded a PO is referred to as a Contractor.

The procurement document of the respective Mini-Competition will provide additional and more detailed information on the different aspects of organization of the Mini-Competition, including on the form and content of the tenders, technical specifications, the submission modalities, validity of the tenders, their confidentiality etc.

## **4. GENERAL INFORMATION AND RULES ABOUT THE DPS**

### **4.1. Information in the DPS**

All the information related to this procedure is available on the EUMM website at [https://www.eumm.eu/en/about\\_eumm/tenders](https://www.eumm.eu/en/about_eumm/tenders)

### **4.2. Modifications of documents**

General information and documents for this procedure such as these DPS Specifications, the draft PO template and the Tender Specifications of a Mini-Competition and related annexes are subject to modifications for the purposes of corrections, clarifications, improvements or in order to conform with new regulations and other obligations.

Each version of a document is clearly labelled (e.g. “v1”, “v2”, etc.) and major changes are identified in accompanying notes and published on EUMM website at [https://www.eumm.eu/en/about\\_eumm/tenders](https://www.eumm.eu/en/about_eumm/tenders).

Economic operators are responsible for keeping themselves informed on the status of the documents and the version applicable to their Application or to the Mini-Competition of their interest. Consequently, Candidates/Tenderers must always use the most up-to-date versions of the procurement documents as the basis for the submission of their Application to the DPS or of their tender in a Mini-Competition.

### **4.3. Questions about the DPS**

Requests for further information regarding an Application to this DPS or other substantive and procedural aspects of this DPS must be made in a timely manner specifying the publication reference and the PO title, sent to the following email address: [dps@eumm.eu](mailto:dps@eumm.eu)