



**GUIDELINES ON PARTICIPATION
IN EU EXTERNAL ASSISTANCE
PROGRAMMES**

Sectorseminar Health;
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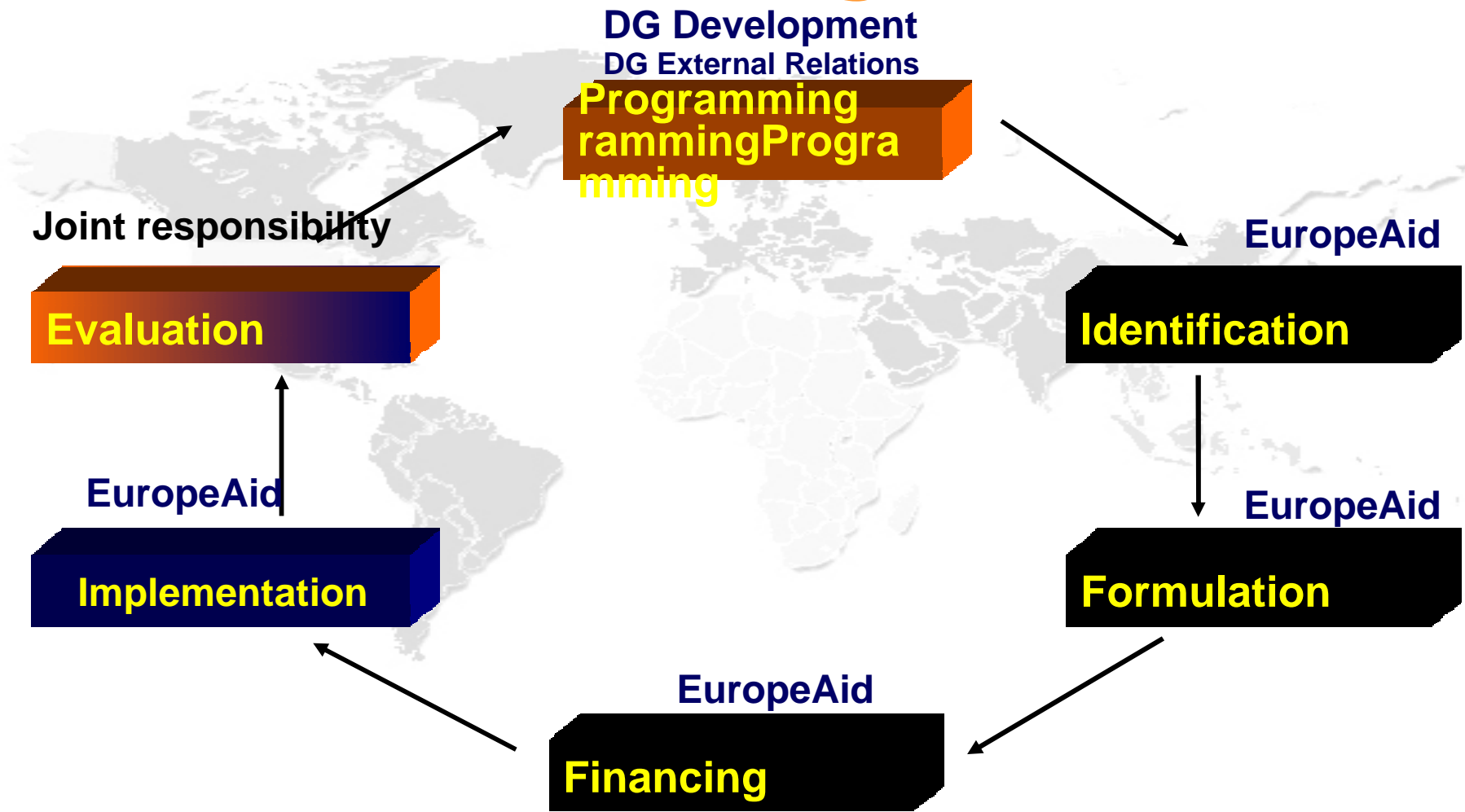
- 
- Introduction
 - Basic rules for service, supply & work contracts
 - Services
 - Supplies
 - Works
 - Mistakes to avoid
 - Claims and Disputes
 - Information tools

- External Actions in EU
- Project cycle Management
- New Instruments
- Legal Bases

External Relations family in the European Commission:

- RELEX, DEV, EuropeAid, ELARG, ECHO
- Manage together the External Service
- Supervised by the RELEX Group of Commissioners, chaired by Mr Barroso

Project Cycle Management



2007-2013

Geographical coverage

- Pre-accession: IPA
- Neighbourhood: ENPI
- Development: DCI and 10th EDF
- Industrialised countries: ICI

General coverage

- New: Thematic programmes: included in DCI
- New: Human rights: EIDHR
- New: Stability: IFS
- New: Nuclear safety: NSI
- Humanitarian aid and Macro-financial aid

- Three main policies: enlargement, neighbourhood, development
- Delivering more, better and faster
- Simplified and harmonised: from + 35 to 10
- Updated on EU commitments: Millenium development goals, untying of aid, alignment etc
- More flexible: less restrictions on type of beneficiary, measures and financing

BUDGET

Council regulation
Legal base of programme
Financial Regulation

Comm regulation
Implementing Rules of
Financial Reg.

Comm decision
AIDCO Rules and Procedures

AIDCO decision
Practical Guides
(Contract/Finance/Programme)

Instruction Notes

EDF

Cotonou Agreement

ACP-EC Council regulation
General Regulations &
General Conditions contracts

Council regulation
Financial Regulation

BASIC RULES FOR SERVICE, SUPPLY & WORK CONTRACTS

- Procedures
- Eligibility
- Grounds for exclusion

SERVICES	$\geq \text{€}200,000$ International restricted tender procedure	$< \text{€}200,000 \text{ but } > \text{€}10,000$ (BUDGET) $\text{€}5,000$ (EDF) 1. Framework contracts 2. Competitive negotiated procedure (BUDGET) Simplified procedure (EDF)		$\leq \text{€}10,000$ Single tender (BUDGET) $\leq \text{€}5,000$ Single tender (EDF)
SUPPLIES	$\geq \text{€}150,000$ (BUDGET) $> \text{€}150,000$ (EDF) International open tender procedure	$< \text{€}150,000 \text{ but } \geq \text{€}60,000$ (BUDGET) $\leq \text{€}150,000 \text{ but } \geq \text{€}30,000$ (EDF) Local open tender procedure	$< \text{€}60,000 \text{ but } > \text{€}10,000$ Competitive negotiated procedure (BUDGET) $< \text{€}30,000 \text{ but } > \text{€}5,000$ Simplified procedure (EDF)	$\leq \text{€}10,000$ Single tender (BUDGET) $\leq \text{€}5,000$ Single tender (EDF)
WORKS	$\geq \text{€}5,000,000$ (BUDGET) $> \text{€}5,000,000$ (EDF) 1. International open tender procedure 2. International restricted tender procedure (exceptional cases BUD)	$< \text{€}5,000,000 \text{ but } \geq \text{€}300,000$ (BUDGET) $\leq \text{€}5,000,000 \text{ but } \geq \text{€}300,000$ (EDF) Local open tender procedure	$< \text{€}300,000 \text{ but } > \text{€}10,000$ (BUDGET) $\text{€}5,000$ (EDF) Competitive negotiated procedure (BUDGET) Simplified procedure (EDF)	$\leq \text{€}10,000$ Single tender (BUDGET) $\leq \text{€}5,000$ Single tender (EDF)

Eligibility of legal and natural persons

Budget : in legal Bases

EDF :

- Member States who contribute financially to the agreement
- ACP signatories
- International Organisations
- a country participating in a regional initiative, where the financed action is implemented under such an arrangement
- a 3rd state, in the case of co-financing

Tenderers will be excluded from participation in a procurement procedure if:

- they are bankrupt ;
- they have been convicted of an offence concerning their professional conduct ;
- they have been guilty of grave professional misconduct ;
- they have not fulfilled obligations relating to the payment of social security contributions ;
- they have been the subject of a judgment for fraud, corruption etc....;
- they have been declared to be in serious breach of contract in another procurement procedure financed by the Community budget.

- 
- Definition
 - International Restricted Procedure "step by step"

Definition

Contract

- between a service provider and the Contracting Authority
- provision of services such as technical assistance or studies

International Restricted Procedure

1. Publication
2. Shortlist
3. Tender launch
4. Evaluation
5. Contract Award
6. Contract Signature

- Forecast
- Procurement Notice
 - 30 days to reply
 - Content legally binding
 - Defines criteria
 - Budget
- Award Notice

Shortlist

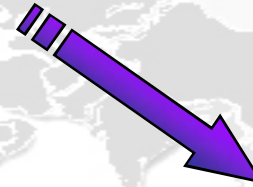
- 
- 4-8 companies will be invited to tender
 - Selection criteria applied
 - Result = Shortlist
 - Report approved by Contracting Authority

Criteria

- 
- Exclusion
Bankruptcy, taxes
 - Selection
Experience, financial capacity
 - Evaluation
Quality of offer
 - Award
Price, economically most advantageous

How many eligible Candidates meet the selection criteria?

< 4 > 8



- May invite the tenderers which satisfied criteria

- Examine comparative criteria
- Justify changes in Shortlist Report

Tender Launch

- Dispatch Tender Dossier
- Unsuccessful candidates informed + publication of shortlist notice
- Deadline for Submission = min. 50 days
- Questions 21 days – Answers 11 days
- Tenders are valid 90 days

5 phases

- Tender Opening Session
- Administrative compliance
- Technical Evaluation
- Financial Evaluation
- Conclusion

Committee recommends to

- **Award** the contract to the most economically advantageous tenderer

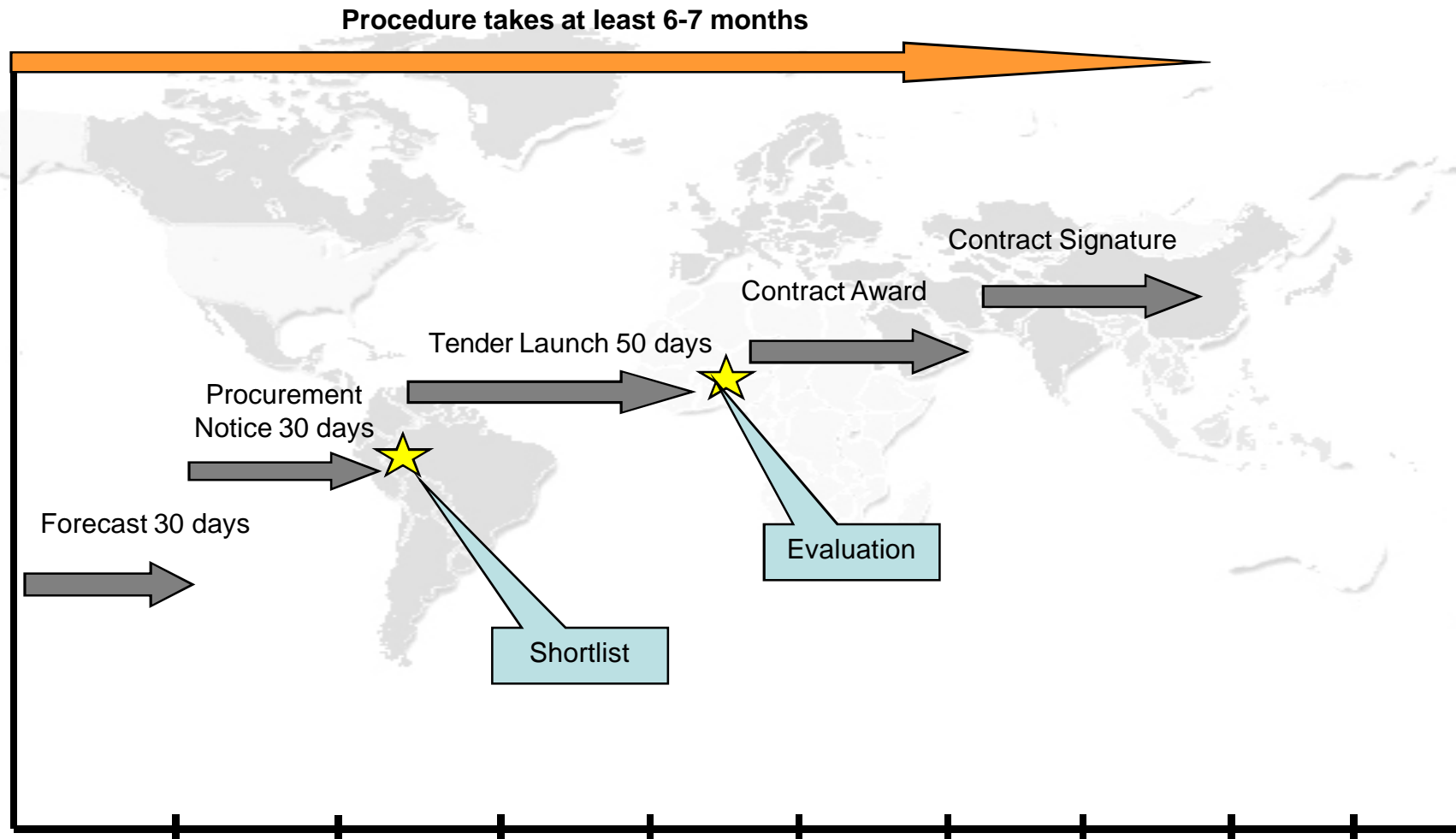
OR

- **Cancel** the procedure

Contracting Authority must approve the evaluation report

arkipelago Consulting **Contract Signature**

- Inform successful Tenderer and ask for “Proof documents” (15 days)
- Prepare contract
- Sign and send contract (30 days)
- Publish Contract Award Notice
- Inform unsuccessful Tenderers (15 days)



- 
- Definition
 - Specificities

Definition

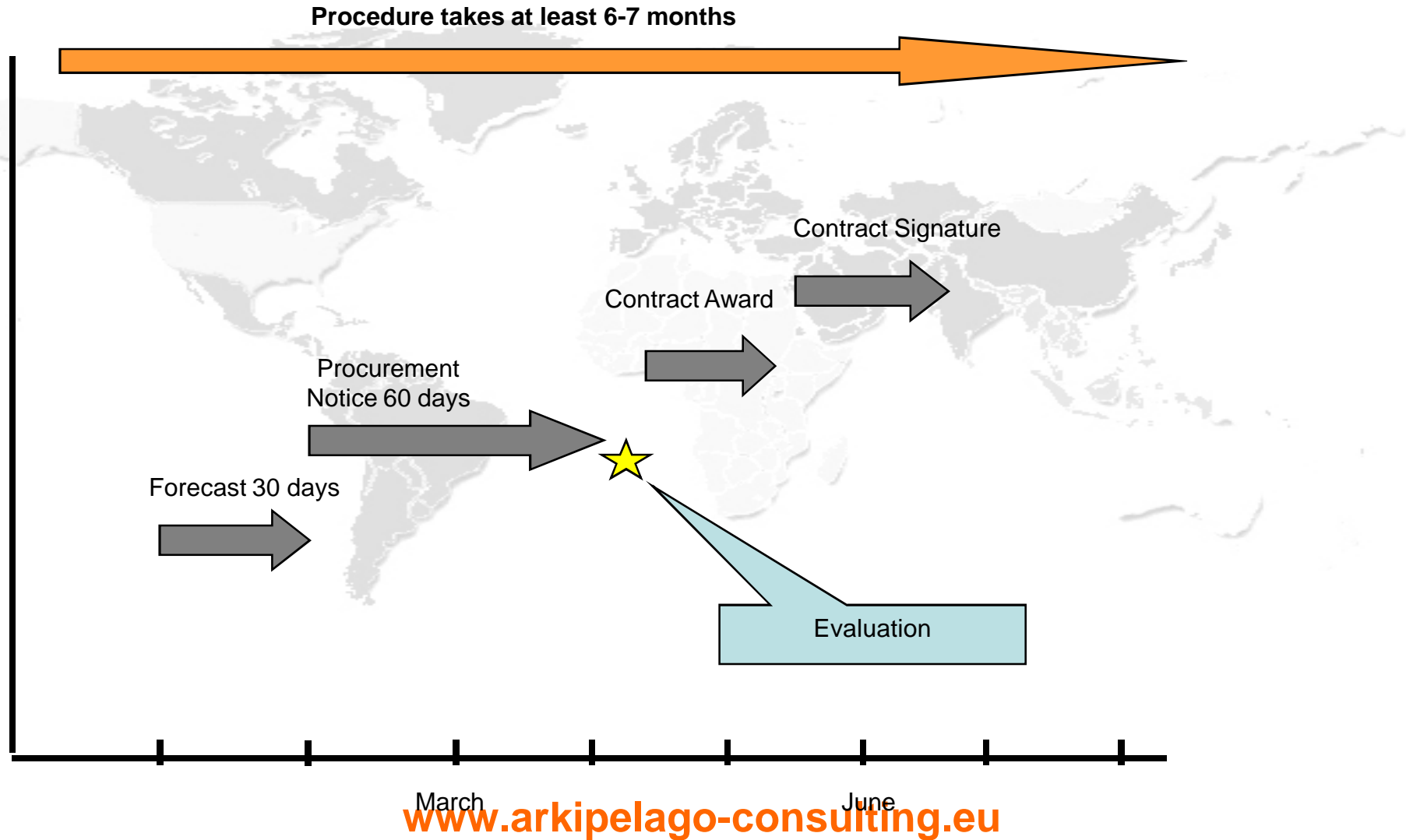
- Purchase, leasing, rental or hire purchase (with or without option to buy) of products
- May include commissioning, installation, maintenance and other ancillary services

- Open tender
- Tender dossier must be ready before publication
- All documents are published
- Clarifications and information also published
- Selection criteria as for service

- Public opening
- No judgement in evaluation – compliant YES/NO
- Common with clarification requests
- Award criteria – lowest price




Evaluation Committee recommends to award contract to compliant offer with lowest price




WORK CONTRACT

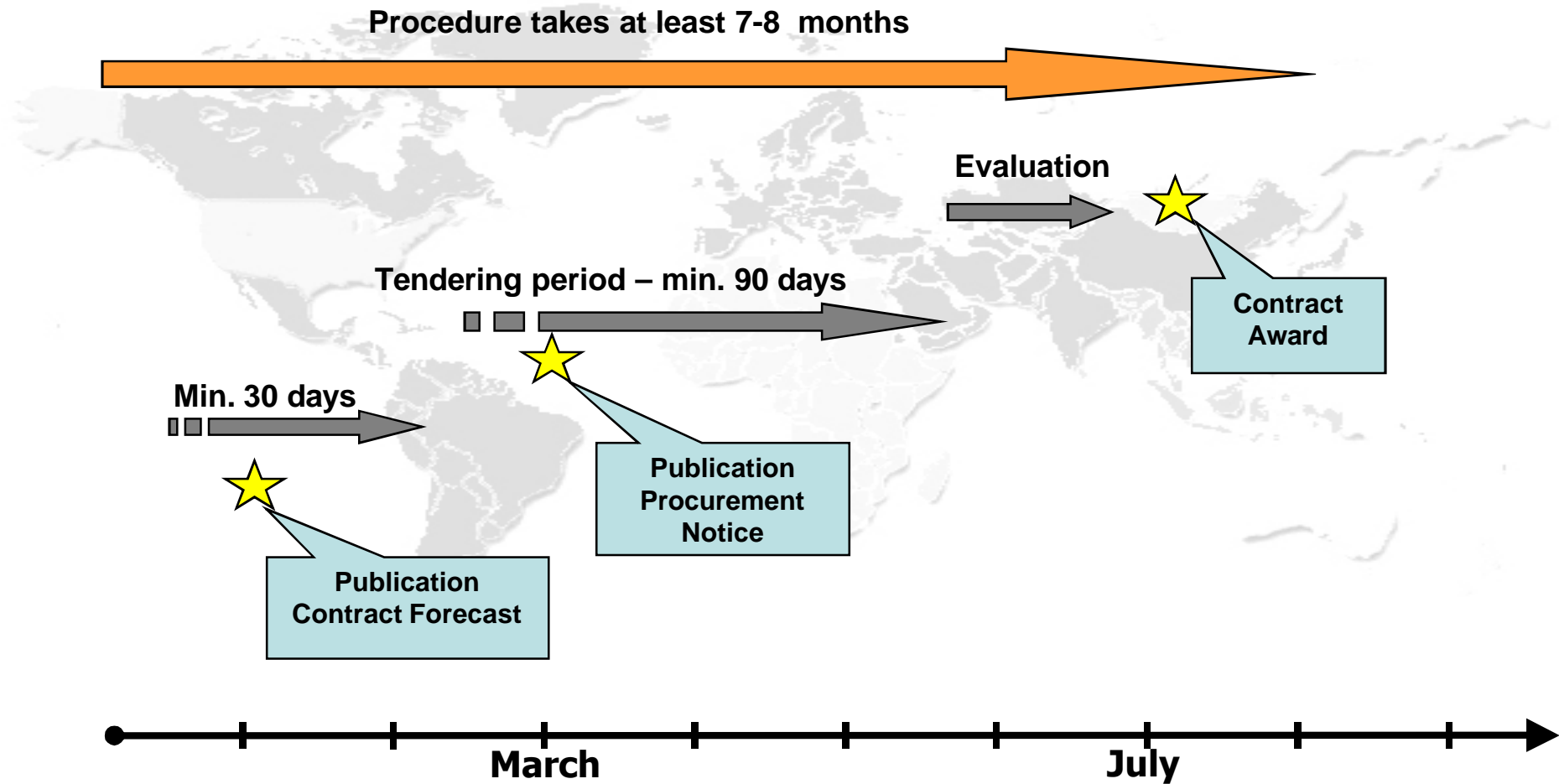
- Definition
- Specificities

Definition

- 
- Outcome of building or civil engineering works
 - Fulfills an economic or technical function

Specificities works tenders

- 
- Scope of works
 - Financing
 - Budget
 - Clarification meeting or site visit
 - Payment schedule
 - Supervisor
 - Tender submission
 - Evaluation



MISTAKES TO AVOID

- Administrative mistakes
- Technical mistakes

arkipelago Consulting Administrative mistakes

- Late arrival
- Incomplete documentation
- Not in accordance with templates
- Lack of original documents or required translations
- Not signed
- Lack of or copy of Tender Guarantee (Supplies and Works)
- Tenderer/Applicant/partner not eligible
- Financial offer not in separate envelope (Services)

Service:

- Experts are not available on required dates
- Experts do not have the required experience
- Copy and paste of Terms of Reference

Supply:

- Offer not exactly compliant with Technical Specification
- Ineligible origin of supply

If your entity does not fulfill the selection criteria....

- Form a consortium (the consortium as a whole must meet the criteria, not each individual company)!
- Try and gain relevant experience as consortium partner or subcontractor!
- An economic operator may rely on the capacities of other entities for a particular contract (undertaking)!

COMPLAINTS AND DISPUTES

Complaints:

- During the tender process
- After attribution of the contract

Prevention of disputes

Disputes:

- Conciliation/Good offices
- Arbitration

- During the tender process :

When tenderers believe that they have been harmed by an error or irregularity (90 days to reply)

- After attribution of the contract:

Beneficiary country's national legislation
And/or
The European Ombudsman

Prevention of disputes

- 
- In the tender procedure phase and the precontractual phase
 - In the commencement phase
 - In the performance phase

Settlement of Disputes

- Amicable settlement between the parties
- If no amicable settlement, possibility to request intervention of a third party as conciliator (e.g. the Commission – Good Offices)
- Absent amicable settlement or settlement by conciliation, arbitration
- Beneficiary country's national legislation
- European Ombudsman

INFORMATION TOOLS



EuropeAid Webpage

Contracts and Procedures

Funding opportunities

European Commission
External cooperation programmes

European Commission > EuropeAid

Homepage
Who we are
What we do
Where we work
How we work
Work with us
Multimedia library

Info Point
External Cooperation

EUROPE-DAY in schools
9 may 2008

DEVELOPMENT YOUTH PRIZE 2007
FOCUS ON AFRICA
SUSTAINABLE DEVELOPMENT

Debate Europe

Treaty of Lisbon

More, better, faster aid - Europe cares and delivers

Story from the field

International Day for Mine awareness
4 April is International Day for Mine awareness. Up to 20,000 people are killed or disabled by mines every year, of which at least one fifth are children. The European Union has consistently provided major political, financial and scientific support to mine action worldwide. Read the full story to discover one example of our achievements.
The full story

Quick Access
Regions/Countries Themes Programmes

Announcements
Launch of the drawing competition on gender equality at the occasion of International Women's Day

Latest News
Commissioner Ferrero-Waldner on the elections in Nepal
Commissioner Ferrero-Waldner to visit Gulf countries
Bangladesh: Commission boosts its humanitarian aid for victims of the SIDR cyclone with a new €12 million package

http://ec.europa.eu/comm/europeaid/index_en.htm

European Commission
External cooperation programmes

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European Commission > EuropeAid > Work with us > Procedures & documents

- Homepage
- Who we are
- What we do
- Where we work
- How we work
- Work with us**
 - How to get a grant
 - How to get a contract
 - Funding opportunities
 - Online services
 - Procedures & documents**
 - Important Messages
 - Legislation
 - Financing
 - Implementation
 - Legal Affairs
 - Framework Contract
 - Visibility guidelines
 - Job opportunities
- Multimedia library

Click on the titles to reach the sections

Legislation

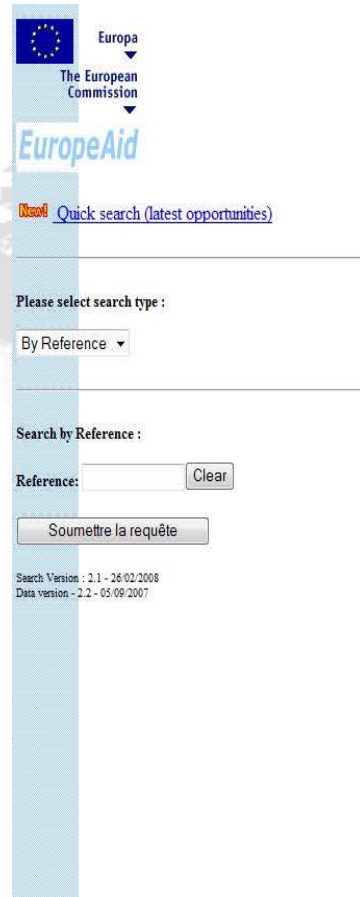
Financing

Implementation

Legal affairs

http://ec.europa.eu/europeaid/work/procedures/index_en.htm

arkipelago Consulting Funding opportunities



Europa
The European Commission
EuropeAid

[Quick search \(latest opportunities\)](#)

Please select search type :
By Reference ▾

Search by Reference :
Reference:

Search Version : 2.1 - 26/02/2008
Data version - 2.2 - 05/09/2007

Important Notice :

This webpage is currently being updated in view of the new external cooperation instruments. Notices under these instruments will temporarily be published under "OTHER", which also includes any project not covered by the programmes specified in the search function.

General remarks :

- Notices are published in the language of the program for the country in question (EN/FR/ES/PT)
- International call for tenders are simultaneously published in the supplement S of the Official Journal of the European Communities available from the TED (Tenders Electronic Daily) at <http://ted.europa.eu/>
- [Annual work programmes](#) for grants are published by 31 March each year

Search for details of EU external aid projects

How to operate ?

Quick search

Either click on the "Quick search" button to see all tender opportunities and calls for proposals published during the last 10 (calendar) days.
Or select the appropriate search type from the drop-down menu at the top of the left hand frame:

1/ Search by Reference

2/ Search by Programme

3/ Search by Country

- Select the country
- Select the status
 - "FORECAST" to consult projects which are expected to be put to tender
 - "OPEN" to consult projects for which a procurement notice or a call for proposals is currently published and for which you may apply
 - "CLOSED" to consult projects for which the submission deadline has passed
- Select the type of procedure :
 - Call for tenders (procurement notices) are listed under **Supplies, Works** or **Services**
 - Call for proposals are listed under **Grants**
- Submit your query

<http://ec.europa.eu/europeaid/cgi/frame12.pl>

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