|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| **DESIGN CONTEST DOSSIER***According to Article 73 of Law no. 04/L-042 on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and law No. 05/L-092****OPEN PROCEDURE***

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|  |

 Date of preparation of the Design Contest Dossier :

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Procurement No[[1]](#footnote-1)** |  |  |  |  |

**Title:**   **THIS DESIGN CONTEST DOSSIER IS COMPOSED OF TWO PARTS:****Part A: Tendering procedures containing instructions how to prepare Designs; and****Part B: Design Contest Submission Form** |

**This Design Contest Dossier has been prepared in Albanian, Serbian**  **language.**

**In the event there is a discrepancy among the language versions, the** *[insert language]* **language version shall prevail over others.**

**SUBJECT: INVITATION TO TENDER for**

Thank you for your interest regarding the participation on the above-mentioned procurement activity.

Further to your request please find enclosed the documents, which constitute the Design Contest Dossier.

You are expected to examine carefully all parts and sections of this dossier and its annexes and to comply with all requirements, specifications and conditions contained therein.

We, as Contracting Authority, will not accept any reservation.

Failure to submit a design contest to the contracting authority within the deadline specified in this Design Contest Dossier and/or is not in compliance to all requirements set in this dossier shall be rejected and shall be considered as “*irresponsive design”.*

No costs incurred by you in preparing and submitting the design will be reimbursed and no liability shall be incurred by the contracting authority in case the procedure is cancelled.

The present tender procedure is regulated by the Public Procurement Law (Law No. 04/L-042 on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and law No. 05/L-092) and procurement rules issued on its basis.

The PPL and the Procurement Rules may be downloaded from Public Procurement Regulatory Commission’s (PPRC’s) website: [**www.krpp.rks-gov.net**](http://www.krpp.rks-gov.net)**.**

We look forward to receiving your design at the address specified in the part A “Tendering Procedures”, before.

If you decide not to submit a design, we would be grateful if you could inform us in writing, stating the reasons for your decision.

Yours sincerely,

First and last name:

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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# *PART A: TENDERING PROCEDURES*

# Section I. Information to Tenderers

|  |  |
| --- | --- |
|  | General |
| 1. Scope of the Design Contest | * 1. The Contracting Authority as **indicated in the Tender Data Sheet (TDS),** issues this Design Contest Dossier for the procurement of designs as specified in the technical specification, Annex 1.
	2. The design contest title and identification number of this procurement activity are **indicated in the TDS.**
	3. Information on the publication of the Design Contest Notice is **indicated in the TDS.**
	4. Designs shall be submitted in the address of the contracting authority **indicated in the TDS.**
	5. Throughout this Design Contest Dossier:
1. the term “in writing” means communicated in written form (e.g. by mail, e-mail, fax, telex) with proof of receipt;
2. if the context so requires, “singular” also means “plural” and vice versa;
3. “day” means calendar day;
4. you are referred as the “economic operator” or the “tenderer”; and
5. the issuer of this dossier is referred to as the “contracting authority”.
 |
| 2. Object of the design contest | * 1. The Classification of Common Procurement Vocabulary and the object of the design contest **are indicated in the TDS**.
 |
| 3. Mandatory technical and/or esthetical requirements | 3.1 The design must fully comply with the technical and/or esthetical requirements set out in this Design Contest dossier, see Annex 1, and conform in all respects with the other instructions. This shall be demonstrated by the submission of the statement on technical and/or esthetical requirements of the proposed project corresponding to those mentioned in Annex 1 of this dossier.3.2 Any design not in compliance with the technical and/or esthetical requirements will disqualify the design.  |
| 4. Place where the project will be realised | 4.1 Place where the project will be realised **as indicated in the TDS**. |
| **5. Jury’s decision** | 5.1 Unless otherwise **indicated in the TDS,** the decision of the jury is binding on the contracting authority. |
|  | REQUIREMENTS which should be met by ECONOMIC OPERATORS |
|  | Economic operators have to comply with all the following requirements. Any failure in any requirement will eliminate their designs from the competition. |
|  | **Eligibility requirements** |
| 6. Eligibility of the Economic Operators | **6.1 An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator, or any employee, executive, manager or director thereof:**a. participated in the preparation of the concerned contract notice or tender dossier, or any part thereof, being used by the concerned contracting authority; b. received assistance in preparation of its tender or requests to participate from a person or undertaking who or that participated in the preparation of the concerned contract notice or tender dossier, or any part thereof;c. being in any case in a conflict of interest, as described in Article 4, paragraph 1.75**6.2 An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator, or any executive, manager or director thereof, has, in the past ten (10) years:**a**. been determined by a court of competent jurisdiction** to have committed a criminal or civil offence involving corrupt practices, money laundering, bribery, kickbacks or activities described, or similar to those described, in Article 130.1 of the PPL under the laws or regulations applicable in Kosovo or any country, or under international treaties or conventions;b. **been declared ineligible**, where the contracting authority finds this to constitute grave professional misconduct, verified by a competent court;c. **been determined by a court of competent jurisdiction** to have committed a serious offence by participating in the activities of a criminal organization, defined as a structured association established over a period of time and operating in a concerted manner to achieve financial gain through activities that are criminal or otherwise illegal where they take place; d. **been determined by a court of competent jurisdiction** to have committed an act of fraud or an act equivalent to fraud;e. **been determined** **to have engaged in unprofessional conduct by a court of competent jurisdiction**, administrative agency or organization responsible for enforcing standards of professional conduct; orf. **been determined by a court of competent jurisdiction** to have made serious misrepresentations to any public authority in Kosovo or elsewhere.**6.3 An economic operator shall not be eligible to participate in a procurement activity or in the performance of any public contract if such economic operator:**a. has, in the past two (2) years, been adjudged to be bankrupt or insolvent by a court of competent jurisdiction, or is currently the subject of proceedings: (i) for a declaration of bankruptcy, (ii) for an order for compulsory winding up or administration by the court or (iiii) of any other similar proceedings under the law of Kosovo or any other jurisdiction;b. is being wound up or administered, or its affairs are being wound up or administered, by a court of competent jurisdiction;c. currently has in place an agreement or arrangement with its creditors providing for extended or reduced terms of payment if such terms were agreed to by such creditors because the economic operator had previously been unable to satisfy its obligations as they came due;d. is in any situation analogous to sub-paragraphs a, b or c of this paragraph arising from a similar procedure under the laws of its place of establishment or of a place where it conducts business;e. is currently the subject of a judicial or administrative order suspending or reducing payments by or to such economic operator and resulting in the total or partial loss of the economic operator’s right to administer and/or dispose of its property;f. is currently the subject of legal or administrative proceedings that may result in a judicial or administrative order suspending or reducing payments by or to such economic operator if such proceedings may also result in the economic operator being adjudged bankrupt or insolvent;g. has, in the past three (3) years, been adjudged by a court of competent jurisdiction to have seriously breached a contract with any public entity, public authority or public undertaking in Kosovo or elsewhere;h. is currently delinquent in the payment of any social security or tax contributions in Kosovo or the economic operator’s country of establishment, except where such debt is deemed to be insignificant in Kosovo;i. is more than ninety (90) days’ delinquent in the payment of any wages owed to employees or in the payment of any amount owed to a public service operator in Kosovo;j. has not yet complied with an order issued by a court of Kosovo; k. has made false statements in relation to the procedure for the award of a public contract, if these are related to the lack of grounds for disqualification, or the fulfilment of the selection criteria; or l. has not been convicted by a final decision adopted in compliance with article 99.2 of the PPL.***Time limits set in this section, are related to the period that immediately precede publication date of the design contest notice.***6.4 In order to prove that the economic operator is eligible to participate in the procurement procedure the economic operator should submit the documentary evidence **indicated in the TDS.**  |
|  | **Minimum qualification requirements** |
| 7. Professional suitability requirements | 7.1 The economic operator shall meet the professional suitability requirements **indicated in the TDS.**7.2 In order to prove that the economic operator is suitable to participate in the procurement procedure the economic operator should submit the documentary evidence **indicated in the TDS.** |
| 8. Economic and financial standing requirements | 8.1 The economic operator shall meet the minimum economical and financial requirements **indicated in the TDS.**8.2 In order to prove that the economic operator meets the minimum economical and financial requirements the economic operator should submit the documentary evidence indicated in the TDS. |
| 9. Technical and/or professional capability requirements | 9.1 The economic operator shall meet the minimum technical and/or professional capability requirements **indicated in the TDS.**9.2 In order to prove that the economic operator meets the minimum technical and/or professional capability requirements the economic operator should submit the documentary evidence indicated in the TDS.9.3 The contracting authority, at its own expenses, may carry out an inspection with the economic operators company for the purpose of verification. |
| **10.Confidential business information** | 10.1 If the economic operator desires that any provided information relating to the economical /financial standing and technical/professional capability is treated as confidential business information a written request must be submitted by using the form set out in this design contest dossier, see Annex 3. |
| 11. Establishing a Group of economic operators | 11.1 *In case a service contract following the contest will be awarded to the winner or one of the winners of the contest* and a design contest is submitted by a group of economic operators, the group is required to **nominate one of the members** of the group as the contact economic operator, and shall submit with its proposal documents **indicated in the TDS.**11.2 Such a group shall not be required to assume a specific legal form in order to submit the proposal but the Contracting Authority reserves the right, if such requirement is necessary for the satisfactory performance of the design, to request from the selected group to do so if the design is awarded to such a group as a pre-condition to the signing of the contract.11.3 Economic operators are not allowed to tender at the same time individually and as a member of a group or as a member of different groups. In such cases both the economic operator and the groups concerned shall be deemed as ineligible. |
| 12. Subcontracting | 12.1 *In case a service contract following the contest will be awarded to the winner or one of the winners of the contest* the Economic Operators must indicate in their design contests any part of the contract that the Economic Operator intends to subcontract to third parties and shall submit with its proposal documents **indicated in the TDS.** |
|  | Contents of Design Contest Dossier |
| 13. Sections of the Design Contest Dossier | * 1. The Design Contest Dossier consists of Parts A and B, which include all the Sections indicated below, and should be read in conjunction with any Addendum issued in accordance with the Information to Tenderers Section 15.

**PART A Tendering Procedures*** Section I. Information to Tenderers
* Section II. Tendering Data Sheet (TDS)
* Annexes

 **PART B Design Contest Submission Form*** Section I. Design Contest Form
* Section II. Financial Identification
* Section III. Financial Offer
 |
| 14. Clarification of the Design Contest Dossier | 14.1 The tenderers are allowed to make a written request to the contracting authority for additional or clarifying information which they believe is needed to prepare or submit a responsive design. Such a request may be made by use of the request form, see Annex 4, and submitted to the contracting authority by electronic means, letter or fax. The Contracting Authority will respond in writing to any request for clarification, provided that such request is received no later than the time limit **indicated in the TDS.** The Contracting Authority shall forward copies of its response to all those who have acquired the Design Contest Dossier including a description of the inquiry but without identifying its source. Should the Contracting Authority deem it necessary to amend the Design Contest Dossier as a result of a clarification, it shall do so following the procedure under Information to Tenders Section 15.  |
| 15. Amendment of the Design Contest Dossier | 15.1 At any time prior to the deadline for submission of design contests, the Contracting Authority may amend the Design Contest Dossier by issuing an addendum.* 1. Any addendum issued shall be part of the Design Contest Dossier and shall be communicated in writing to all economic operators who have obtained the Design Contest Dossier.
	2. To give prospective tenderers reasonable time in which to take an addendum into account in preparing their tenders, the Contracting Authority shall extend the deadline for the submission of designs in accordance with Article 53 of the PPL.
 |
|  | Preparation of DESIGN CONTESTS |
| 16. Language and format of Design contests  | 16.1 Economic operators may prepare and submit their proposals and related documents in Albanian, Serbian or English language.16.2 The participants to the contests shall, simultaneously, submit their design contests into **two separated sealed envelopes**:1. One containing the **Conceptual Project;** and
2. The other one containing the **Candidate’s Documentation.**
 |
|  | Candidate’s Documentation Format and Content |
| 17. Documents Comprising the Candidate’s Documentation | 17.1 The envelope containing the Candidate’s Documentation shall comprise the following:1. Design Contest Submission Form by using the forms to be found in Part B of this Design Contest Dossier, Section I and II;
2. *In case a service contract following the contest will be awarded to the winner or one of the winners of the contest* the Design Contest Submission Form by using the forms to be found in Part B of this Design Contest Dossier, Section I and II including Section III, the Financial Offer for the detailed engineering design;
3. Documentary evidence in accordance with Information to Tenderers Section 6 evidencing the Tenderer’s eligibility;
4. Documentary evidence in accordance with Information to Tenderers Section 7, evidencing the Tenderer’s professional suitability, *if applicable;*
5. Documentary evidence in accordance with Information to Tenderers Section 8, evidencing the Tenderer’s economical and financial standing, *if applicable*;
6. Documentary evidence in accordance with Information to Tenderers Section 9, evidencing the Tenderer’s technical and professional capability, *if applicable*;
7. Documentary evidence in accordance with Information to Tenderers Section 11 and 12, *if applicable*; and
8. Any other document **required in the TDS.**
 |
|  | Conceptual project Format and Content |
| 18. Documents Comprising the Conceptual Project | 18.1 The envelope containing the Conceptual Project shall comprise the following:a) the conceptual project(design), which shall be submitted in hard copy **(physical original)** and in the forms **indicated in the TDS;** andb) Statement on technical and/or esthetical requirements of the proposed project corresponding to those mentioned in Annex 1 of this dossier.18.2 The Conceptual Project shall not include any identification information of the tenderer. |
| 19. Sealing and Marking of Designs | 19.1 The tenderer shall submit its project composed of two packages: the “Candidate’s documentation” and the “Conceptual Project”19.2 The Tenderer shall prepare:a. one original of the documents comprising the **“Candidate’s documentation**” described in the Information to Tenderes Section 17 and clearly mark it “**Original”;** and b. one original of the documents comprising the **“Conceptual Project”** described in the Information to Tenderers Section 18 and clearly mark it “**Original”**.In addition, the Tenderer shall submit copies of the “Candidate’s Documentation” and of the “Conceptual Project”, in the number **indicated in the TDS** and clearly mark them **“Copy.”** 19.3 The tenderer shall seal the “original” and each “copy” of the Candidate’s Documentation ***in separate envelopes*** and shall on the front of each one of such envelopes:* Mark clearly as ***“Original - Candidate’s Documentation”*** or ***“Copy Candidate’s Documentation”;***
* Indicate the Procurement number as stated in the design contest dossier; and
* An anonymous four digit number of the participant's own choice.

19.4 The tenderer shall seal the “original” and each “copy” of the “Conceptual Project” ***in separate envelopes*** and shall on the front of each one of such envelopes:* Mark clearly as ***“Original – Conceptual Project”*** or ***“Copy - Conceptual Project”;***
* Indicate the Procurement number as stated in the design contest dossier; and
* An anonymous four digit number of the participant's own choice.

19.5 The “ORIGINAL” and each “COPY” of the Conceptual Project shall be placed in a **sealed** **envelope** clearly marked **“Conceptual Project”** and bearing only the procurement number the anonymous four digit number**.** Similarly, the “Original” and each “Copy”of the Candidate’s Documentation shall be placed in a **separate sealed envelope** clearly marked **“Candidate’s documentation”** and bearing only the procurement number, the anonymous four digit number and a warning**: “Do Not Open with the Conceptual Project”**. If the Candidate’s documentation is not submitted in a separate sealed envelope duly marked as indicated above, this will constitute grounds for declaring the Proposal non-responsive.19.6 The two envelopes, containing “the Conceptual Project” and the “Candidate’s Documentation”, shall then be sealed in an outer envelope marked with:* The address of the place for submission of projects;
* The Procurement number;
* Warning that the envelope should not be opened before the date and time of project submission; and
* An anonymous four digit number of the participant's own choice.
 |
|  | Submission of the projects |
| 20. Deadline for Submission of design contests | * 1. Design Contests must be received by the Contracting Authority at the address and no later than the date and time **indicated** **in the** **TDS.**
 |
| 21. Late design contests | * 1. The Contracting authority shall not consider any design contest that arrives after the deadline for submission of design contests. Any design contest received by the Contracting Authority after the deadline for submission of design contests shall be declared late, rejected, and returned to the Tenderer.
 |
|  | Opening of the projects |
| 22. Design Contest Opening | 22.1 The procurement officer shall, immediately after the expiry of the deadline for submission of the projects, open the timely received proposals and shall split the envelopes containing “the Conceptual projects” from those containing “the Candidate’s documentation.* 1. The procurement officer will transfer the envelopes containing “**the Conceptual projects”** to the jury for the evaluation. The envelopes containing **“the Candidates Documentation”** will be kept unopened by the procurement officer deposited in a safe place.
	2. The envelope containing “**the Candidates documentation**” will be opened and evaluated by the evaluation committee immediately **after** the jury establishes and submits to the procurement officer the ranking list of the projects, as mentioned in Section 23.4 of the Information to Tenderers.
 |
|  | Evaluation of the Conceptual projects by the Jury |
| 23. Evaluation of the Conceptual Projects | 23.1 The Jury shall evaluate the Conceptual Projects on the basis of their responsiveness to the technical and/or esthetical requirements, applying the evaluation criteria, sub-criteria, and point system **indicated in the TDS.** Each responsive Project will be given a technical score (St). A Project shall be rejected at this stage if it does not respond to important aspects of the design contest dossier, and particularly the technical and/or esthetical requirements.23.2 The jury shall make reasonable efforts to reach a consensus decision.23.3 If a consensus decision cannot be reached each member of the jury will evaluate each conceptual project separately and will properly point (score) the conceptual project. The final points of each conceptual project are achieved by collecting points from all jury members and dividing it by the number of the jury members. The conceptual proposal which achieves the highest score is ranked first and the second scored is ranked second and so on.23.4 The jury will establish and submit to the Procurement Officer a ranking list of the projects consisting of the technical points achieved. |
|  | Evaluation of the Candidate’s Documentation  |
| 24. Evaluation of the Candidate responsiveness | 24.1 After the procurement officer receives the ranking list of the projects an Evaluation committee is established to evaluate the Candidate’s responsiveness. The Candidate’s responsiveness will be examined, evaluated and compared according to the requirements set forth in this design contest dossier.24.2 A candidate is considered to be **responsive** when it:1. complies in administrative terms with the formal requirements of the design contest dossier;
2. complies with the technical and/or esthetical requirements set out in this Design Contest dossier; and
3. is submitted by an eligible economic operator meeting the selection criteria established in the design contest dossier.

To “**comply”** in administrative terms shall be understood as to satisfy administrative requirements set forth in this design contest dossier without substantially departing from or attaching restrictions to them. |
| 25. Clarification of Candidate’s documentation  | * 1. To assist in the examination, evaluation and comparison of the candidates responsiveness, the Contracting Authority may, at its discretion, ask any Tenderer for a clarification of its documentation. Any clarification submitted by a tenderer in respect to its documentation and that is not in response to a request by the Contracting authority shall not be considered.
	2. The request for clarification and the response must be in writing only, but no change in any other material term or aspect may be sought, offered or permitted.

25.3 The contracting authority may correct a purely arithmetical error in a tender. Amounts corrected in this way will be binding on the tenderer. The tenderer will be informed in writing immediately for such corrections. 25.4 In cases of a discrepancy between the unit price and the total amount, or between words and figures the former will prevail. |
| 26. Responsiveness of the candidates | 26.1 If a candidate is not responsive it shall be rejected and may not subsequently be made to comply by correcting it or withdrawing the departure or restriction.26.2 If a candidate, whose project is ranked as the best “first” one by the Jury, is not responsive its design shall be rejected and the second one shall be ranked as the best “first” one.  |
|  | AWARD of the project |
| **27. Award of the project** | 27.1 The design contest is organised as part of procedure **as indicated in the TDS.** |
| 28. Reward of projects | 28.1 In case of a procedure **leading to money prices** the project which is ranked first shall be the winning project. 28.2 In case of a procedure **leading to or involving the award of a service contract “detailed engineering design”** the projects will be evaluated according to their combined technical (St) and financial (Sf) scores. The lowest Financial Proposal (Fm) will be given a financial score (Sf) of 100 points. The financial scores (Sf) of the other Financial Proposals will be computed as **indicated in the TDS.** Proposals will be ranked according to their combined technical (St) and financial (Sf) scores using the weights (T = the weight given to the Technical Proposal; P = the weight given to the Financial Proposal; T + P = 1) **indicated in the TDS**:. The project achieving the highest combined technical and financial score shall be the winning project. 28.3 In case a second and/or a third winner is permitted a second/or a third winner shall be designated according to the obtained total number of points. 28.4 The number and value of the prizes to be awarded is **indicated in the TDS**. |
|  | Complaints |
| 29. Complains | 29.1 Pursuant to Article 108/A of the Law No. 04/L-042 on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and No. 05/L-092,a complaint may be submitted, free of charge, by an interested party at any stage of any procurement activity and with respect to any act or omission of the concerned contracting authority that is alleged to be in violation of the present law, or acts issued in its implementation.29.2 The Standard form of the complaint may be downloaded from the PPRC’s or PRB’s websites: [**www.krpp.rks-gov.net**](http://www.ks-gov.net/krpp) or [**www.oshp.rks-gov.net**](http://www.oshp.rks-gov.net).29.3 The complaint shall be submitted in original to the Contracting Authority at the address specified in Section I.1) of this Tender Dossier.* Where the complaint relates to the design contest notice or the tender documents within five (5) days prior to the deadline for submission of bids;
* Where the complaint relates to the result of the contest, within five (5) days after the date of notification of the contract award notice is sent to the complainant.
* Where the complaint relates to the decision to terminate the procurement procedure, within five (5) days from the date the procurement activity was formally terminated through a termination notice.

29.4 Against any decision taken by the contracting authority in accordance with Article 108A circumstances any interested party may lodge a complaint with the PRB. The complaint should be submitted only after a preliminary procedure for resolution of the dispute was conducted.Appeal to the PRB must be submitted within ten (10) days after the decision issued by the contracting authority in the preliminary procedure of dispute resolution in accordance with Article 108A of this Law.29.5 All complainants are required to pay a complaints fee of the amount of [*insert amount in Euro*] together with the filing of a complaint. Payment shall be made in cash or cash equivalent into the account established by the PRB. 29.6 Refer to the PPL and the Procurement Rules for further complaints procedures. |

# Section II. Tender Data Sheet (TDS)

The following specific data for the design to be procured shall complement, supplement, or amend the provisions in the Information to Tenderers. Whenever there is a conflict, the provisions herein shall prevail over those in Information to Tenderers

*[Instructions for completing the Tender Data Sheet are provided, as needed, in the notes in italics mentioned for the relevant* Information to Tenderers *Sections. Delete none relevant ones]*

|  |  |
| --- | --- |
| Instructions to Tenderers | Amendment/Modification of relevant Section in the Information to Tenderers |
| Sectiondescription  | Sec. No. |  |
| Scope of the Design Contest | 1.1 | The Contracting Authority (CA) is: **Name of CA**: *[insert**name of the CA]***Address of CA**: *[insert**address of the CA]***Town:** *[insert CA town]***Postal code**: *[insert CA city postal code]***Electronic address:** *(if applicable)*: *[insert* [*www.*](http://www.)*]***Contact person**: *[insert name of contact person]***E-mail:** *[insert email of contact person]***Telephone:** [*insert CA telephone number]***Fax:** *[insert CA fax number]* |
|  | 1.2 | The design contest title and identification number of the procurement activity is: *[insert name and identification number]* |
|  | 1.3  | Date of submission of the Design Contest Notice to the PPRC: *[insert date]*Full version of the design contest notice as sent to the PPRC may be downloaded from PPRC’s website: [**www.krpp.rks-gov.net**](http://www.krpp.rks-gov.net). |
|  | 1.4 | Design Contest shall be submitted at the address mentioned under 1.1 |
| Object of the design contest | 2.1 | Classification of Common Procurement Vocabulary (CPV): [*insert CPV number]*The object of the design contest is the following:*[insert General description of design]* |
| Place where the project will be realised | 4.1 | Place where the project will be realised is: *[insert place]* |
| Jury’s decision | 5.1 | *[if jury’s decision is not binding to the Contracting Authority insert]*Jury’s decision is not binding to the Contracting Authority. |
| Eligibility of the Economic Operators | 6.4 | 1. A written declaration under Oath signed by the tenderer by using the form in Annex 2.

Proof regarding eligibility requirements shall be requested to be submitted by the tenderer whom the contracting authority intends to award the contract. These documents must be submitted by the tenderer prior to the contract award. Failure to submit such documents, its tender will be rejected.Documentary evidence which shall be required to be submitted as proof of eligibility requirement is the following:1. For situations referred to point 6.2 [a, b, c, d, e and f] and point 6.3 [a, b and d], a proof issued by a competent judicial or administrative authority of the Tenderer’s country of establishment.
2. For situation referred to in point 6.3 [h (social security contribution), i and k] a certificate issued by the competent authority or public operator attesting that such situation does not exist.
3. For situation referred to in point 6.3 [h (taxes)] a proof issued by Tax administration of place of establishment of economic operator, that the mentioned economic operator is not delinquent in the payment of taxes at least until the last quarter of the year *[prior to the publication date of Contract Notice].*

As regards all other provisions set forth in Section 6 as well as in case where the issue of documents and certificates referred to above is not obtainable for objective reasons, or where these documents do not cover all cases for which the evidence has been produced, a declaration under oath made by the tenderer may be accepted as sufficient evidence.  |
| Professional suitability requirements | 7.1 | *[insert the professional suitability requirements*] |
|  | 7.2 | *[insert the documentary evidence for professional suitability]* |
| Economic and financial standing requirements | 8.1 | *[If applicable, insert the minimum economical and financial standing requirements]* |
|  | 8.2 | *[insert the documentary evidence for economical and financial* |
| Technical and/or professional capability requirements | 9.1 | *[If applicable, insert the minimum technical and/or professional capability requirements]* |
|  | 9.2 | *[insert the documentary evidence for technical and/or professional capability]* |
| Establishing a Group of economic operators | 11.1 | *[in case of a procedure leading to money prizes only insert]*Not applicable*[in case of a procedure leading to the award of a service contract insert]*1. **a clear statement** that all members of the group are jointly and severally liable for the contents of the group’s tender and, in the event the group is awarded the contract, the performance of the contract;
2. **Submit a signed statement from each of the members**, confirming their participation in the group and that they are not participating singularly and/or in any other group taking part in the same procurement procedure;
3. **A statement signed** by all members of the group authorising the lead partner to act on behalf of the group; and
4. All member of such group **shall be eligible** and shall provide evidence on their eligibility, as mentioned under Section 6.4 of this TDS.
 |
| Subcontracting | 12.1 | *[in case of a procedure leading to money prizes only insert]*Not applicable*[in case of a procedure leading to the award of a service contract insert]*1. **a statement** declaring the selected subcontractors made for the relevant procurement activity; and
2. all subcontractors **shall be eligible** and shall provide evidence on their eligibility, as mentioned under Section 6.4 of this TDS.
 |
| Clarification of the Design Contest Dossier | 14.1 | *[insert date]* |
| Documents comprising the Candidate’s documentation | 17.1 (h) | *[insert any other document required]* |
| Documents Comprising the Conceptual Project | 18.1 (a) | *[insert any other requirement requested for the presentation of the project, e.g. electronic means]* |
| Sealing and Marking of Design Contests | 19.2  | Participants must submit one original and *[insert number]* copies of both “the Conceptual Project” and “the Candidate’s Documentation”.  |
| Deadline for Submission of design contest | 20.1 | The deadline for submission is [*insert date and time and place of submission*] |
| Evaluation of the Conceptual projects | 23.1 | Criteria, sub-criteria, and point system which will be used for the evaluation of Conceptual Projects are:*[Insert the relevant ones]***Points**1. innovation *[Insert points]*
2. aesthetic content *[Insert points]*
3. adequate blending with the surroundings *[Insert points*]
4. efficient use of the availability space *[Insert points*]
5. attractiveness of the potential users *[Insert points*]

 **Total points for the criteria: 100** |
| Award of the projects | 27.1 | *[insert one of the following options]**[in case of a procedure leading to money prizes only insert]*The design contest is organised as part of a procedure leading to money prices only.*[in case of a procedure leading to the award of a service contract insert]*The design contest is organised as part of a procedure leading to the award of a service contract for the subsequent design phase. |
| Reward of projects | 28.2  | *[insert one of the following options]**[in case of a procedure leading to money prizes only insert]*[Not applicable] *[in case of a procedure leading to the award of a service contract insert]*[The formula for determining the financial scores is the following:Sf = 100 x Fm / F, in which Sf is the financial score, Fm is the lowest price and F the price of the proposal under consideration.The weights given to the Technical and Financial Proposals are:T = *[Insert weight]*P = *[Insert weight]* |
|  | 28.4 | The number and value of the prizes to be awarded are:*[in case of a procedure leading to money prizes only insert]*1st price – *[ insert amount]* Euro2nd price – *[ insert amount]* Euro3rd price – *[ insert amount]* Euro*[in case of a procedure leading to the award of a service contract insert]*1st price – *award of the contract for the subsequent* *design*2nd price – *[ insert amount]* Euro3rd price – *[ insert amount]* Euro |
| Complains | 29.3 | [*insert CA’s address*] |

# Annex 1. MANDATORY TECHNICAL and/or ESTHETICAL REQUIREMENTS

*[Describe in a non-discriminating manner, the technical and/or esthetical requirements of the design contest.*

*The technical and/or esthetical requirements shall be established in a manner that is both consistent with the purpose of the design contest and directed at providing the greatest possible access to all potentially interested economic operators.]*

# Annex 2. DECLARATION UNDER OATH

I, the undersigned, representing: [*the submitting economic operator*] declare under oath that I am eligible in accordance with Article 65, of Law on Public Procurement in Kosovo, Law No. 04/L-042 on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and law No. 05/L-092.

I acknowledge to have read the eligibility requirement in Article 65 of the PPL, respectively section 6 of the Information to Tenderers, and fulfil eligibility requirements to participate in this tender process.

I acknowledge the possibility of criminal and civil sanctions, penalties and damages if I intentionally or negligently submit any document, declaration or statement containing materially false or misleading information.

|  |
| --- |
| **Economic Operator Identification (EO)** |
| **Name of EO:** |  |
| **Full Address:** |  |
| **Represented by:** |
| **Name** |  |
| **Position** |  |
| **Signature** |  |
| **Date** |  |
| **Stamp** |  |

# Annex 3. REQUEST FOR CONFIDENTIALITY

To: *[insert name and address of contracting authority]*

(Hereinafter “the Contracting Authority”)

WHEREAS *[insert name of economic operator]* (hereinafter “the Economic Operator”), meeting the requirements of the tender dossier under the above mentioned Procurement No., Section 8 and 9 of the Information to tenderers, has furnished business confidential information as follows:

|  |
| --- |
| *Identification of the confidential information and reference to sections of furnished documents:* |

AND WHEREAS the said information hereby is declared (i) not to be in the public domain, and (ii) to be protected from intentional or negligent disclosure by the Economic Operator;

AND WHEREAS public access to the said information would result in material harm to the legitimate commercial interests of the Economic Operator from the following reasons:

|  |
| --- |
| *Statement of the nature of such material harm and the reasons why it would occur:* |

THEREFORE, I, the undersigned, representing the Economic Operator hereby express the desire that the Contracting Authority classify and maintain the said information as business confidential information.

|  |
| --- |
| **Economic Operator Identification** |
| **Company Name** |  |
| **Full Address** |  |
| **Represented by:** |
| **Name** |  |
| **Position** |  |
| **Signature** |  |
| **Date** |  |
| **Stamp** |  |

# Annex 4. REQUEST FOR ADDITIONAL INFORMATION

To: *[insert name and address of contracting authority]*

WHEREAS *[insert name of economic operator]* (hereinafter “the Economic Operator”), having received the tender dossier under the above mentioned Procurement Number., believes that additional or clarifying information is needed as follows:

|  |
| --- |
| *Identification of needed additional or clarifying information, including reference to section(s) of the tender dossier:* |

THEREFORE, I, the undersigned, representing the Economic Operator, hereby request the receipt of the identified information.

|  |
| --- |
| **Economic Operator Identification (EO)** |
| **Name of EO:** |  |
| **Full Address:** |  |
| **Full Address:** |
| **Name:** |  |
| **Position:** |  |
| **Signature:** |  |
| **Date:** |  |
| **Stamp:** |  |

# *PART B:*  *DESIGN CONTEST SUBMISSION FORM*

# Section I. DESIGN CONTEST FORM

**To:** *[****insert name and address of the Contracting Authority****]*

(hereinafter “the Contracting Authority”)

Title of the design contest: *[insert Title]*

Ladies/Gentlemen:

In response to your letter of invitation to tender for the above mentioned design contest, we, the undersigned, hereby declare that:

**1.** We have examined and accept in full the content of the design contest dossier No *[insert procurement number]*. We hereby accept its provisions in their entirety, without reservation or restriction.

**SUBMITTED BY**

|  |
| --- |
| **Economic Operator Identification** |
| **Company Name[[2]](#footnote-2)** |  |
| **Full Address** |  |
| **Represented by:** |
| **Name & Surname** |  |
| **Position** |  |
| **Signature** |  |
| **Date** |  |
| **Stamp** |  |

***[In case of Group of Economic Operators:]***

|  |  |  |
| --- | --- | --- |
|  | **Name(s)** | **Address-residency** |
| **Leader 1\*** |  |  |
| **Etc … \*** |  |  |

\* add/delete additional lines for partners as appropriate. *Note that a subcontractor is not considered to be a partner for the purposes of this tender procedure*.

**Name and surname name of the person duly authorised to sign the tender on behalf of the Consortium: *[insert name and surname]***

**Signature: *[signature of the authorised person]***

**Place and date: *[insert place and date]***

**Stamp of the Leader: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

# Section II: FINANCIAL IDENTIFICATION

|  |
| --- |
| **ACCOUNT HOLDER** |
| **Name** |  |
| **Address** |  |
| **City** |  |
| **Post Code** |  |
| **Contact** |  |
| **Telephone** |  |
| **Fax** |  |
| **E-mail** |  |
| **VAT number** |  |

|  |
| --- |
| **BANK** |
| **Name** |  |
| **Address** |  |
| **City** |  |
| **Post Code** |  |
| **Country** |  |
| **Bank Account** |  |
| **IBAN (optional)** |  |
| **BIC (Optional)** |  |

**REMARKS:**

|  |  |  |
| --- | --- | --- |
| **BNK STAMP + SIGNATURE of BANK REPRESENTATIVE (Both obligatory)** |  | **DATE + SIGNATURE of ACCOUNT HOLDER: (Obligatory))** |

# Section III. FINANCIAL OFFER*[[3]](#footnote-3)*

**To:** [***insert name and address of the Contracting Authority****]*

(hereinafter “the Contracting Authority”)

Title of the design contest: [*insert Title]*

Ladies/Gentlemen:

**1.** We, the undersigned, offer to provide the detailed engineering design for the above mentioned design contest in accordance with your Design Contest Dossier No *[insert procurement number]* and our Conceptual Design.

**2.** Our Financial Proposal for the subsequent design (detailed engineering design) is for the sum of:

 *[insert price in words and figures* ***€****]*

**3.** If our conceptual project is awarded for the subsequent design phase we undertake to sign the contract and to submit the “detailed engineering design” within *[insert number of days]* after signing the contract.

**4.** Economic Operator *[and our subcontractors]* has/have the following nationality: *[insert nationality]*

**5.**  We are making this application, for this tender in our own right led by ourselves. We confirm that we are not tendering for the same design contest in any other form.

[*In case of a consortium]*

[We are making this application, for this tender **as partner in the consortium** led by [*insert name of the leader*]. We confirm that we are not tendering for the same design contest in any other form. We confirm, as a partner in the consortium, that all partners are jointly and severally liable by law for the performance of the contract, that the lead partner is authorised to bind, and receive instructions for and on behalf of, each member, that the performance of the contract, including payments, is the responsibility of the lead partner, and that all partners in the joint venture/consortium are bound to remain in the joint venture/consortium for the entire period of the contract's performance].

**6.** We will inform the Contracting Authority immediately if there is any change in the above circumstances at any stage during the implementation of the contract. We also fully recognise and accept that any inaccurate or incomplete information deliberately provided in this application may result in our exclusion from this and other contracts funded by the KCB.

**SUBMITTED BY**

|  |
| --- |
| **Economic Operator Identification** |
| **Company Name[[4]](#footnote-4)** |  |
| **Full Address** |  |
| **Represented by:** |
| **Name & surame** |  |
| **Position** |  |
| **Signature** |  |
| **Date** |  |
| **Stamp** |  |

***[In case of Group of Economic Operators:]***

|  |  |  |
| --- | --- | --- |
|  | **Name(s)** | **Address-residency** |
| **Leader 1\*** |  |  |
| **Etc … \*** |  |  |

\* add/delete additional lines for partners as appropriate. *Note that a subcontractor is not considered to be a partner for the purposes of this tender procedure*.

**Name and surname name of the person duly authorised to sign the tender on behalf of the Consortium: *[insert name and surname]***

**Signature: *[signature of the authorised person]***

**Place and date: *[insert place and date]***

**Stamp of the Leader: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

#

1. To be reported on any document or request concerning this design contest. [↑](#footnote-ref-1)
2. In case of Group of EO insert the name of the leader [↑](#footnote-ref-2)
3. Applicable only *in case a service contract following the contest will be awarded to the winner or one of the winners of the contest* [↑](#footnote-ref-3)
4. In case of Group of EO insert the name of the leader [↑](#footnote-ref-4)