



**Institutul Național de Cercetare-Dezvoltare Aerospațială "Elie Carafoli" - INCAS**  
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**ASSIGNMENT DOCUMENTATION**  
**on the application of the public procurement procedure for the supply contract**  
**„Research system EEMS program component”**  
**Unique purchase identification code: 434670\_2026\_01**

**Program: „Emissions Research & Monitoring Infrastructure Programme**  
**Program Component „East European Methane Study” – EEMS**  
**Contract no. 3/RO-CH/30.10.2025**

**Procedure used: „Open Online Tender”**

**CPV Classification Code:**

**Main CPV Code: 38424000-3 – Measurement and control equipment (Rev. 2)**

**Secondary CPV Code: 71356200-0 – Technical assistance services (Rev.2)**

**Secondary CPV Code: 79633000-0 - Staff development services (Rev.2)**

**ASSIGNMENT DOCUMENTATION** are those documents containing formal, technical and financial requirements, which enable an objective description of the public procurement contract and on the basis of which the economic operator will develop its tender.

**2026 BUCHAREST**

# PROCUREMENT DATA SHEET

## SECTION I: CONTRACTING AUTHORITY

### I.1) NAME, ADDRESS AND CONTACT POINT(S)

Official name: INCAS - National Institute for Aerospace Research „Elie Carafoli”		
Address: 220 Iuliu Maniu Blvd, 6 <sup>th</sup> district		
City: Bucharest	Postal code: 061126	Country: Romania
Contact Point(s): To the attention: Georgiana Grigoras, Marius Corbu	Phone: +4.021.434.00.83 +4 0723 202 397, +4 0744 851 990	
E-mail: <a href="mailto:grigoras.georgiana@incas.ro">grigoras.georgiana@incas.ro</a> , <a href="mailto:corbu.marius@incas.ro">corbu.marius@incas.ro</a>	Fax: +4.021.434.00.82	
Website (if applicable): <a href="http://www.incas.ro">www.incas.ro</a>		
Website of Contracting Authority (URL) <a href="http://www.incas.ro">www.incas.ro</a>		
Website of buyer profile (URL): <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a>		

Other information can be obtain at: <input checked="" type="checkbox"/> Contact point(s) previously mentioned <input type="checkbox"/> Other: <i>fill Annex A.I</i>
Tender documentation, specific documentation (for concessions) and/or additional documents (including documents for competitive dialog and dynamic purchasing system) can be obtained at: <input checked="" type="checkbox"/> Contact point(s) previously mentioned <input type="checkbox"/> Other: <i>fill Annex A.II</i>
Tenders/projects or requests/requests to participate or applications must be submitted to: <input checked="" type="checkbox"/> Contact point(s) previously mentioned <input type="checkbox"/> Other: <i>fill Annex A.III</i>
Number of days until which clarifications can be requested before the deadline for submission of tenders/applications Days <b>20 (before the deadline for submission of tenders/applications)</b>

### I.2) TYPE OF CONTRACTING AUTHORITY AND MAIN ACTIVITY(S)

<input type="checkbox"/> Ministry or any other national or federal authority, including their regional or local subdivisions <input type="checkbox"/> National or federal agency/office <input type="checkbox"/> Local or regional authority <input type="checkbox"/> Regional or local agency/office <input type="checkbox"/> Body of public law <input type="checkbox"/> European institution/agency or European organization  <input checked="" type="checkbox"/> Other (please specify): National Institute for Research and Development	<input type="checkbox"/> General public services <input type="checkbox"/> Defense <input type="checkbox"/> Public order and security <input type="checkbox"/> Environment <input type="checkbox"/> Economic and financial affairs <input type="checkbox"/> Health <input type="checkbox"/> Construction and territorial development <input type="checkbox"/> Social welfare <input type="checkbox"/> Recreation, culture and religion <input type="checkbox"/> Education <input checked="" type="checkbox"/> Other (please specify): Research and development
The contracting authority shall act on behalf of other contracting authorities <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span>	

## SECTION II: SUBJECT OF THE CONTRACT

### II.1) DESCRIPTION

<b>II.1.1) Name of the contract/contest/project by the contracting authority/contracting entity</b>		
„Research system EEMS program component”		
<b>II.1.2) Type of contract and place of execution of works, delivery of products or provision of services</b>		
<b>a) Works</b> <input type="checkbox"/>	<b>a) Products</b> <input type="checkbox"/>	<b>a) Services</b> <input type="checkbox"/>
Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Execution, by any means, of a work, as required specified by the contracting authority <input type="checkbox"/>	Buy <input checked="" type="checkbox"/> Leasing <input type="checkbox"/> Rent <input type="checkbox"/> Rent with buy option <input type="checkbox"/> A combination of these <input type="checkbox"/>	Services category
The main place of execution ..... NUTS Code □□□□□□	<b>The main place of delivery</b> <b>220 Iuliu Maniu Blvd., Bucharest,</b> <b>sect. 6, Romania</b> NUTS Code RO321	The main place of supply ..... NUTS Code □□□□□□
<b>II.1.3) Procedure involves</b>		
A public procurement contract <input checked="" type="checkbox"/>		
Implementation of a dynamic purchasing system (DPS) <input type="checkbox"/>		
Conclude a framework agreement <input type="checkbox"/>		

<b>II.1.4) Information on the framework agreement (where applicable)</b>		
Framework agreement with several economic operators <input type="checkbox"/>	Framework agreement with a single economic operator <input type="checkbox"/>	
Number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> or, where applicable, maximum number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> of participants in the envisaged framework agreement		
The possibility to resume competition with the signatories of the Framework Agreement yes <input type="checkbox"/> no <input type="checkbox"/> If YES,		
The competition will be resumed in SEAP: yes <input type="checkbox"/> no <input type="checkbox"/>		
<b>Duration of the framework agreement: Duration</b> in years: <input type="checkbox"/> <input type="checkbox"/> or in months: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> Justification for a framework agreement whose duration exceeds four: If the duration of the framework agreement exceeds 4 years: .....		
<b>Estimation of the total value of purchases for the entire duration of the framework agreement (where applicable; only in figures):</b> Estimated value without VAT: _____ Currency: _____ or range: between _____ and _____ Currency: _____ The frequency and value of the contracts to be awarded (if known): _____		
<b>II.1.5) Brief description of the contract or purchase</b>		
<p>We hereby state that the procurement of the “Research System – EEMS Program Component” is necessary for the fulfillment of the tasks and activities undertaken within the program “Infrastructure Program for Research and Monitoring of Emissions”, program component “Study of Methane Emissions in Eastern Europe” – EEMS, under Financing Contract No. 3/RO-CH/30.10.2025.</p> <p>The procurement of high-sensitivity optical spectroscopy gas analyzers enables the simultaneous determination of methane, carbon dioxide, and water vapor concentrations, as well as the isotopic composition of methane—information that is critical for distinguishing between biogenic and fossil sources. The integration of this system into a mobile platform and fixed monitoring sites enables the characterization of methane fluxes at local and regional scales, the identification of dominant sources, and the assessment of their impact on the regional greenhouse gas balance.</p> <p>The procurement of the Research System – EEMS Program Component includes the following components: In-situ greenhouse gas analyzer for methane, carbon dioxide, carbon monoxide, and water vapor, accompanied by all accessories required for installation, commissioning, testing, and operation; In-situ carbon-13 isotope analyzer in methane, including ethane and methane, accompanied by all accessories required for installation, commissioning, testing, and operation; A 16-port gas distribution manifold, accompanied by all accessories required for installation, commissioning, testing, and operation; Delivery of the equipment to the address specified by the beneficiary; Installation, testing, and commissioning at the location indicated by the beneficiary; Training of the beneficiary’s personnel for the use and operation of the equipment and related accessories; Provision of warranty and maintenance services throughout the warranty period.</p> <p><b>1. The deadline for submitting requests for clarification/additional information will be 5 days before the deadline set for submission of bids, and the deadline for submitting the consolidated response to requests for clarification/additional information will be on the 3rd day before the deadline set for submission of bids.</b></p> <p><b>2. In accordance with the provisions of Article 160(2) of Law No. 98/2016, as subsequently amended and supplemented, the Contracting Authority shall provide clear and complete answers to all requests for clarifications/additional information on the 11th day prior to the deadline set for the submission of tenders.</b></p> <p><b>The deadline for reply to the clarifications was set so that economic operators have an appropriate period for analyzing the tender documentation and subsequently for drawing up tenders in the light of the replies provided by the Contracting Authority.</b></p> <p><b>Note: Clarifications submitted after this period (5 days before the closing date for the submission of tenders) will be taken into account only to the extent that the contracting authority considers that the formulation of the response to these requests is in the interest of the successful conduct of the award procedure.</b></p> <p style="text-align: center;"><b>Reference number assigned to the file by the contracting authority: 434670_2026_01</b></p>		
<b>II.1.6) CPV classification (Common procurement vocabulary)</b>		
	Vocabular principal	
Main subject	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <b>38424000-3 – Measurement and control equipment (Rev. 2)</b>	
Additional subject(s)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 71356200-0 – Technical assistance services (Rev.2) 79633000-0 - Staff development services (Rev.2)	
<b>II.1.7) The contract is subject to the agreement on public procurement contracts (GPA)</b> yes <input type="checkbox"/> no <input type="checkbox"/>		

<b>II.1.8) Division into lots</b> (for details of the lots used) <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span> The procurement of the Research System – EEMS Program Component includes the following components: In-situ greenhouse gas analyzer for methane, carbon dioxide, carbon monoxide, and water vapor, accompanied by all accessories required for installation, commissioning, testing, and operation; In-situ carbon-13 isotope analyzer in methane, including ethane and methane, accompanied by all accessories required for installation, commissioning, testing, and operation; A 16-port gas distribution manifold, accompanied by all accessories required for installation, commissioning, testing, and operation; Delivery of the equipment to the address specified by the beneficiary; Installation, testing, and commissioning at the location indicated by the beneficiary; Training of the beneficiary’s personnel for the use and operation of the equipment and related accessories; Provision of warranty and maintenance services throughout the warranty period.		
<input type="checkbox"/> a single lot  <input type="checkbox"/> The maximum number of lots that can be awarded to a single tenderer: [     ]  <input type="checkbox"/> The contracting authority reserves the right to award contracts by combining the following lots or groups of lots:	<input type="checkbox"/> one or more lots	<input type="checkbox"/> all lots
<b>II.1.9) Options will be accepted</b> (alternative offers) <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span>		

## II.2) THE QUANTITY OR SCOPE OF THE CONTRACT

<b>II.2.1) Total quantity or range</b> (including, where applicable, all lots and all options)  We hereby state that the procurement of the “Research System – EEMS Program Component” is necessary for the fulfillment of the tasks and activities undertaken within the program “Infrastructure Program for Research and Monitoring of Emissions”, program component “Study of Methane Emissions in Eastern Europe” – EEMS, under Financing Contract No. 3/RO-CH/30.10.2025.  The procurement of the Research System – EEMS Program Component includes the following components In-situ greenhouse gas analyzer for methane, carbon dioxide, carbon monoxide, and water vapor, accompanied by all accessories required for installation, commissioning, testing, and operation; In-situ carbon-13 isotope analyzer in methane, including ethane and methane, accompanied by all accessories required for installation, commissioning, testing, and operation; A 16-port gas distribution manifold, accompanied by all accessories required for installation, commissioning, testing, and operation; Delivery of the equipment to the address specified by the beneficiary; Installation, testing, and commissioning at the location indicated by the beneficiary; Training of the beneficiary’s personnel for the use and operation of the equipment and related accessories; Provision of warranty and maintenance services throughout the warranty period.  <b>Estimated value without VAT: 1.566.185,95 lei (equivalent to 307.753,03 Euro, 285.123,97 CHF)</b> 1 EURO = 5,0891/15.01.2026 lei, 1 CHF = 5,4930/09.05.2025 lei, cf. Art 7.3 of Financial ctr. no. 3/RO-CH/30.10.2025	
<b>II.2.2) Options</b> (where appropriate) <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span> <b>If yes, the value must be completed only as a value range</b> <b>If yes, description of these options:</b>	
<i>If known</i> , the planned timetable for the application of those options: in months: <input type="checkbox"/> <input type="checkbox"/> or in days: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (from the date of award of the contract)	
Number of possible extensions (if applicable): <input type="checkbox"/> <input type="checkbox"/> or range: between <input type="checkbox"/> <input type="checkbox"/> and <input type="checkbox"/> <input type="checkbox"/> <i>If known, (in the case of contracts of goods or services which may be extended, the planned timetable for subsequent contracts):</i> in months: <input type="checkbox"/> <input type="checkbox"/> or in days: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (from the date of award of the contract)	
<b>II.2.3)</b> The minimum percentage of works/services to be awarded by the concessionaire to third parties (where applicable, in the case of concession contracts)	

## II.3) THE DURATION OF THE CONTRACT OR THE DEADLINE FOR COMPLETION

Duration in months: <b>9 months</b> or in days: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> (from the date of award of the contract/issuance of orders for the commencement of services or works)
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## II.4) ADJUSTMENT OF THE CONTRACT PRICE

<b>II.4.1. Adjustment of the contract price</b> <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span>

## SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

### III.1) CONDITIONS RELATING TO THE CONTRACT

<b>III.1.1) Deposits and guarantees required (if applicable)</b>	
<b>III.1.1.a) Participation guarantee</b>	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
<p>In order to protect the contracting authority against any potential improper conduct of the tenderer throughout its involvement in the award procedure, the tender guarantee is set at approximately 1% of the estimated value, amounting to RON 15,661.86, in accordance with the completion of Form No. 4 in the Annex „Forms_Research_system_EEMS.docx”, pursuant to Article 154(2) of Law No. 98/2016. The tender guarantee shall be constituted by means of a guarantee instrument, issued in the name of the tenderer, either by bank transfer or by a guarantee instrument issued by a credit institution from Romania or another state, or by an insurance company (authorized in Romania by the Financial Supervisory Authority – ASF), in accordance with the law, pursuant to Article 154(4) of Law No. 98/2016, and shall be valid for a period of 120 days (4 months) from the deadline for submission of tenders as communicated in the contract notice. The tender guarantee may be constituted by bank transfer to the following account: IBAN: RO86RNCB0290101344950001, opened with BCR – Iuliu Maniu Branch, Sector 6, Bucharest, Fiscal code: RO434670. The tender guarantee must be irrevocable, and the guarantee instrument must stipulate that payment of the tender guarantee shall be made unconditionally, respectively upon first demand of the beneficiary, based on the beneficiary’s statement regarding the fault of the guaranteed party. The tender guarantee constituted through a guarantee instrument shall be submitted scanned and electronically signed in SEAP, no later than the deadline for submission of tenders. In the case of joint tenders, the tender guarantee must be constituted in the name of the association and must state that it jointly and severally covers all members of the group of economic operators. For tender guarantees constituted in a foreign currency, the reference date for the exchange rate equivalence shall be the exchange rate established by the National Bank of Romania (NBR) 5 days prior to the deadline for submission of tenders. Tender guarantees issued in other languages shall be uploaded to SEAP, accompanied by an authorized translation into Romanian.</p> <p>The tender guarantee shall be returned or retained, as applicable, in accordance with Article 154<sup>1</sup> of Law No. 98/2016. The return of the tender guarantee shall be made based on a written request submitted by the economic operator, using the request template provided in the Forms section.</p> <p>Note: Credit institutions from Romania shall be interpreted in accordance with the provisions of Article 3 of Government Emergency Ordinance No. 99/2006 on credit institutions and capital adequacy, as subsequently amended and supplemented.</p> <p>Tenders that are not accompanied by the document proving the constitution of the tender guarantee, in the required form, validity period, and amount, shall be declared inadmissible, pursuant to Article 132(3) of Government Decision No. 395/2016. All documents shall be signed with an extended electronic signature, based on a qualified certificate, issued by an accredited certification service provider, and uploaded to SEAP in the specific sections available within the electronic system.</p>	
<b>III.1.1.b) Guarantee of good execution</b>	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
<p>The guarantee of good performance will be constituted in the amount of 10% of the contracted value, excluding VAT, valid throughout the period of validity of the contract. The guarantee shall be constituted in accordance with the provisions of Article 39 (3) of GD no. 395/2016.</p> <p>The method of establishing the guarantee of good execution: By bank transfer to the IBAN account RO86RNCB0290101344950001, opened with the Romanian commercial Bank – BCR – Iuliu Maniu Branch or through a guarantee instrument issued by a credit institution in Romania or another state or by an insurance company, In accordance with the law, and becomes an Annex to the contract, the provisions of Art. 36 of GD no. 395/2016 being applied accordingly, presented in the original, in the amount and for the period stipulated in the tender documentation, in accordance with the provisions of Art. 40 par. ((1<sup>^</sup>1) of GD no. 395/2 in conjunction with art. 154 paragraph (4) of the Law. No. 98/2016016 .</p> <p>The contractor shall hand over to the purchaser, within <b>5 days</b> from the signing of the purchase contract, the guarantee instrument, which shall become the Annex to the contract.</p> <p>This contract shall enter into force at the time of presentation of the guarantee of good performance established according to the requirements of the award documentation, but no later than 5 working people from the time of signature.</p> <p>Method of issue/refund: According to Article 42, paragraph (1) of GD 395/2016.</p> <p>Note: The Romanian credit institutions shall be interpreted, in accordance with the provisions of Article 3 of GEO no. 99/2006 on credit institutions and capital adequacy, as amended and supplemented.</p>	
<b>III.1.2) The main methods of financing and payment and/or reference to the relevant provisions</b>	
<p><b>Program: „Emissions Research &amp; Monitoring Infrastructure Programme”,</b>  <b>Program component: „East European Methane Study” - EEMS,</b>  <b>Contract: no. 3/RO-CH/30.10.2025.</b></p>	
<b>III.1.3) Legal form to be taken by the group of economic operators to whom the contract is awarded (if applicable)</b>	
<p><b>Association according to Art. 53 of the Law on public procurement no. 98/2016. Along with the documents of the offer will be presented the Association Agreement, the model of which can be found in the forms section/file - Form 16 of Annex „Forms_Research_system_EEMS.docx”</b></p>	
<b>III.1.4) The performance of the contract is subject to other special conditions (if applicable)</b> yes <input type="checkbox"/> no <input checked="" type="checkbox"/>	
<p>If yes, description of these conditions _____</p>	
<b>III.1.5. Applicable law</b>	
<p>✓ Law on Procurement No. 98/2016, as subsequently amended and supplemented;</p>	

- ✓ *Romanian Government Decision no. 395/2016 for the approval of the Methodological Norms for the application of the provisions regarding the award of the public procurement contract / framework agreement of Law no. 98/2016 on public procurement, with subsequent amendments and completions;*
- ✓ *O.U.G. no. 58/2016 for the modification and completion of some normative acts with impact on the field of public procurement;*
- ✓ *H.G. 866/2016 for the modification and completion of the methodological norms of application approved by H.G. 395/2016*
- ✓ *O.U.G. no. 107/2017 for the amendment and completion of some normative acts with impact on the field of public procurement;*
- ✓ *DECISION no. 419 of June 8, 2018*
- ✓ *EMERGENCY ORDINANCE no. 114 of July 9, 2020 for the amendment and completion of some normative acts with impact on the public procurement system;*
- ✓ *Law on remedies and remedies for the award of public procurement contracts, sectoral contracts and works concession and service concession contracts, as well as for the organization and functioning of the National Dispute Resolution Council no. 101/2016;*
- ✓ *www.anap.gov.ro*

## III.2) PARTICIPATION CONDITIONS:

### III.2.1) The personal situation of the economic operators, including the requirements regarding the registration in the trade or profession register

#### III.2.1.a) The personal situation of the candidate or tenderer

Tenderers, supporting third parties, and subcontractors must not fall under any of the situations provided for in Articles 164, 165, and 167 of Law No. 98/2016, as subsequently amended and supplemented.

Method of Demonstrating Compliance with the Requirement: Compliance with this requirement shall be demonstrated by completing the European Single Procurement Document (ESPD) in accordance with Article 193(1) of Law No. 98/2016, including the information relevant to their specific situation.

All tenderers shall be required, upon submission of the ESPD, to submit, where applicable, the commitment of the supporting third party (together with annexed documents transmitted by the supporting third party/parties, demonstrating the effective manner in which such support will be provided), the consortium agreement, and the subcontracting agreement.

The supporting documents proving compliance with the declarations made by completing the ESPD shall be submitted, upon request of the contracting authority, only by the tenderer ranked first in the ranking established at the end of the tender evaluation process.

Supporting Documents, without being limited to the following, may include:

1. Certificates attesting payment of taxes, duties, or contributions to the consolidated general budget (local budget, state budget, etc.), valid at the time of submission, for the main headquarters; and for secondary headquarters/work points, a self-declaration regarding fulfillment of the obligations to pay taxes, duties, or contributions to the consolidated general budget, in accordance with Article 165(3) of Law No. 98/2016, as subsequently amended and supplemented;
2. Criminal record certificates of the economic operator and of the members of its management, supervisory, or control bodies, or of persons having powers of representation, decision-making, or control within it, as resulting from the certificate issued by the National Trade Register Office (ONRC) / Articles of Incorporation;
3. Where applicable, documents demonstrating that the economic operator may benefit from the derogations provided for in Article 166(2), Article 167(2), and Article 171 of Law No. 98/2016 on public procurement;
4. For the situation regulated by Article 167(1)(e) regarding conflict of interest, a self-declaration regarding situations potentially generating a conflict of interest shall be submitted together with the ESPD, in accordance with Articles 59 and 60 of Law No. 98/2016, concerning persons holding decision-making positions mentioned in the procurement documents, by all participants in the award procedure (tenderer, consortium member, subcontractor, and supporting third party);
5. Any other relevant supporting documents, as applicable.

Where, in the country of origin or in the country where the tenderer/supporting third party/subcontractor is established, documents of the nature listed above are not issued, or such documents do not cover all situations provided for in Articles 164, 165, and 167, in accordance with Article 168(3) of Law No. 98/2016 on public procurement, the contracting authority shall accept a self-declaration, or, where no legal provisions regarding self-declarations exist in that country, an authenticated declaration made before a notary public, an administrative or judicial authority, or a professional association having competence in this matter. Documents issued in a language other than Romanian shall be accompanied by an authorized translation into Romanian.

Where the tender is submitted by a consortium, each consortium member (including the leader), supporting third party, or subcontractor shall submit a separate ESPD.

The supporting documents requested as above shall be submitted by each consortium member individually in the case of a joint tender; in the case of subcontracting, by both the tenderer and the subcontractor(s); and in the case of reliance on supporting third parties, by both the tenderer and the supporting third party/parties.

With regard to avoiding conflicts of interest, the contracting authority shall take all necessary measures to prevent, identify, and remedy conflicts of interest, in order to avoid distortion of competition and to ensure equal treatment for all economic operators.

In application of Articles 58–63 of Law No. 98/2016 on public procurement, the contracting authority specifies the names of the persons within I.N.C.A.S. Bucharest:

*Adriana STEFAN – General Manager;*

*Fanica ENE – Economic Manager;*

*Ionut LOM – Technical Manager;*

*Mihail-Liviu COȘEREANU – Scientific Manager;*

*Colorian Emanuel LEON – Head of Wealth Management Unit / Investment Responsible;*

*Marilena Corina BALAURU – Head of Public Procurement Service / Procurement Officer for the EEMS Program Component;*

*Ioan TOMA – Legal Advisor;*  
*Marcela-Liliana PASARIN – Head of Accounting Unit;*  
*Cornelia COSTEA – Head of Public Procurement Department;*  
*Georgiana GRIGORAȘ – Coordinator of the EEMS Program Component;*  
*Magdalena ARDELEAN – Scientific and Technical Responsible for the EEMS Program Component;*  
*Claudiu FLOREA – Financial Responsible for the EEMS Program Component;*  
*Marius CORBU – Contract Responsible.*

In the event that no remedial action can be taken, tenderers, third-party supporters and subcontractors who are in any of the situations provided for in Article 59-60 of Law No 98/2016 on the award of public contracts, with persons holding decision-making functions within the contracting authority will be excluded from the award procedure.

**Note:**

- a) The inclusion in one of the situations provided in art.164, 165 and 167 of Law 98/2016, results in the exclusion of the tenderer from the public procurement procedure.
- b) If there are uncertainties regarding the situation of an economic operator, the contracting authority has the right to request information directly from the competent authorities.
- c) For non-resident tenderers, in accordance with the provisions of art.168(3) of Law 98/2016 on public procurement if in the country of origin or in the country where the tenderers / candidate is established, documents of the nature provided in paragraph (1) or the respective documents do not cover all the situations provided in art. 164, 165 and 167, the contracting authority has the obligation to accept a declaration on its own responsibility or, if in that country there are no legal provisions regarding the declaration on its own responsibility, an authentic declaration given before a notary, an administrative or judicial authority or a professional association with competence in this regard.
- d) The documents will be presented accompanied by their authorized translation into Romanian.

**ATTENTION!**

***1.Failure to submit the European Single Procurement Document (ESPD) together with the tender (including for consortium members and/or supporting third parties) shall result in the tender being rejected as inadmissible.***

***2.Together with the ESPD, the following documents shall be submitted, as applicable: the firm commitment of the supporting third party, demonstrating the effective manner in which the support will be provided; the subcontracting agreement; and/or the consortium agreement.***

***Failure to submit, together with the tender, the ESPD, the firm commitment of the supporting third party demonstrating the effective manner in which the support will be provided, or, as applicable, the subcontracting agreement and/or the consortium agreement, shall result in the tender being rejected as inadmissible.***

**III.2.1.b) Ability to pursue the professional activity**

**Information and formalities necessary to assess compliance with those requirements:**

**Requirement No 1**

For the purpose of verifying the information contained in the European Single Procurement Document (ESPD), in accordance with Article 196 of Law No. 98/2016, the contracting authority shall require the tenderer ranked first after application of the award criterion to submit updated supporting documents demonstrating compliance with all qualification and selection criteria, in line with the information provided in the ESPD, such as:

For Romanian economic operators: a certificate of registration issued by the National Trade Register Office (ONRC) attached to the territorially competent court.

From the certificate of registration / trade register extract submitted, the following must result:

- a) the tenderer's scope of activity; the object of the contract must correspond to the CAEN code(s) included in the certificate of registration issued by ONRC;
- b) the legal status of the tenderer;
- c) the persons authorized to represent the tenderer in relations with third parties.

The information contained in this document must be true and up to date as of the date of submission.

Note: Proof of the capacity to pursue the professional activity may also be provided by submitting the certificate of registration issued by ONRC in electronic format, through the InfoCert online service, incorporating, attached to, or logically associated with an extended electronic signature.

**For Romanian economic operators:** economic operators submitting a tender must prove a form of registration in accordance with the law of the country of residence, demonstrating that the economic operator is legally established, is not subject to any situations leading to annulment of incorporation, and has the professional capacity to perform the activities forming the object of the contract;

**For foreign economic operators:** foreign economic operators submitting a tender must prove a form of registration in accordance with the law of the country of residence, demonstrating that the economic operator is legally established, is not subject to any situations leading to annulment of incorporation, and has the professional capacity to perform the activities forming the object of the contract.

Documents issued in a language other than Romanian shall be submitted together with an authorized translation into Romanian.

**Method of compliance:**

Completion of the ESPD, with the supporting document—namely the ONRC certificate or, for foreign tenderers, an equivalent document issued in the country of residence—to be submitted only upon request of the contracting authority, at the end of the tender evaluation process, by the tenderer ranked first.

**NOTE:**

1. In the case of a joint tender, each member of the consortium must submit the supporting documents requested pursuant to Article 196 of Law No. 98/2016, demonstrating compliance with the qualification criteria regarding the capacity to pursue the professional activity, for the part of the contract it will perform.
2. If parts of the contract are to be performed by subcontractors, proof of registration and the correspondence of the main/secondary activities with the object of the procurement shall be mandatory also for the subcontractors, for the

part of the contract they will perform.

**III.2.2) Economic and financial capacity**

**Requirement No 1**

The tenderer must demonstrate that the average global turnover for the last three years, namely 2023, 2024, and 2025, is at least RON 2,000,000.00.

According to the provisions of Article 175(2)(a) of Law No. 98/2016, the turnover of an economic operator shall not exceed: “a certain minimum level of annual turnover, including a specific minimum turnover in the field covered by the public procurement contract/framework agreement; the minimum annual turnover imposed on economic operators shall not exceed twice the estimated value of the public procurement contract or, as applicable, the maximum anticipated value of the subsequent contracts to be performed at the same time, or, if this is not known, the estimated value of the largest subsequent contract.”

Accordingly, it is proposed to set, as a minimum qualification requirement, a turnover obtained by multiplying the estimated value of the contract by approximately 1, in order to demonstrate a sound financial capacity.

Compliance with this requirement shall be demonstrated by submitting the financial statements for the last three years (2023–2025), endorsed and registered by the competent authorities, or by any other supporting document.

Foreign legal/natural persons wishing to participate in the procedure shall submit any relevant supporting documents, issued by the competent authorities in the country in which they are resident, proving compliance with outstanding obligations regarding the payment of taxes and social security contributions, valid at the time of submission.

The tenderer shall submit “true copy of the original” copies of the certificates/supporting documents proving/confirming compliance with the qualification requirement (financial statements for the last three completed financial years, namely 2023, 2024, and 2025, or equivalent documents).

Note: For the equivalence between RON and foreign currency, the annual average exchange rate communicated by the National Bank of Romania (NBR) for the years 2023, 2024, and 2025 shall be used.

**Method of fulfillment**

The European Single Procurement Document (ESPD) shall be completed in accordance with Articles 193–195 of Law No. 98/2016, as well as the ANAP notifications of 08.04.2019 and 02.07.2019.

The tenderer ranked first in the interim ranking drawn up at the end of the tender evaluation process shall submit documents demonstrating the requested information. Such documents may include, without limitation, the financial statements for the financial years 2023, 2024, and 2025, submitted as copies signed “true copy of the original.”

The financial statements are requested in order to demonstrate the average global turnover over the last three calendar years (2023, 2024, and 2025). The declaration regarding the average turnover and the imposition of a minimum level achieved over the last three years are necessary due to the degree of complexity of the contract to be performed. The minimum turnover level imposed for the last three years shall not exceed twice the estimated value of the public procurement contract, in accordance with Article 175 of Law No. 98/2016.

**Notes:**

1. For the equivalence between RON and foreign currency, the annual average exchange rate communicated by the National Bank of Romania (NBR) for the years 2023, 2024, and 2025 shall be used.
2. If, for objective and justified reasons, the economic operator is unable to submit the requested documents, it may demonstrate its economic and financial standing by means of any other appropriate document.
3. Annual turnover means the amounts obtained from the sale of products and the provision of services, after deduction of trade discounts, value added tax, and other taxes directly related to turnover, as defined in Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC, as well as in Order of the Minister of Public Finance (OMFP) No. 1802 of 29 December 2014 approving the Accounting Regulations regarding individual annual financial statements and consolidated annual financial statements, and is reflected in Form 20 – Profit and Loss Account in accounting reports (in the case of reports prepared in Romania).
4. If a group of economic operators submits a joint tender, the requirement may be demonstrated by taking into account the combined resources of all members of the group. In this case, each associated tenderer shall also complete the ESPD – Part IV “Selection Criteria” – Section B “Economic and Financial Standing.”
5. For the purpose of meeting the requirement, the tenderer may rely on the capacity of one or more supporting third parties. In this respect, the provisions of Article 182 of Law No. 98/2016 and Article 48 of Government Decision No. 395/2016 shall be complied with. Where the tenderer is a consortium or relies on the support of one or more supporting third parties, the requirement shall be deemed fulfilled by aggregating the annual turnover of all consortium members and/or the financial supporting third party/parties, as applicable, for the relevant year.
6. Where the tenderer relies on the capacity of a third party, the supporting third party shall complete the ESPD – Part IV “Selection Criteria” – Section B “Economic and Financial Standing.” The contracting authority shall reject the proposed supporting third party if it does not meet the qualification requirements regarding capacity or if it falls under any of the exclusion grounds. The supporting documents proving compliance with the declarations made by completing the

	<p>ESPD, in accordance with Article 193(1) of Law No. 98/2016, shall be submitted, upon request of the contracting authority, only by the tenderer ranked first following the ranking drawn up at the end of the tender evaluation process..</p>
<p><b>III. 2.3.a) Technical and/or professional capacity</b></p>	
<p>Information and/or minimum level(s) necessary to assess compliance with those requirements</p>	<p>Method of fulfillment:</p>
<p><i>Requirement No. 1</i></p> <p>The tenderer must demonstrate that, within the last 3 years (36 months), under one or more contracts, it has delivered similar products/services, in accordance with Article 178(2) and Article 179(b) of Law No. 98/2016.</p> <p>For procurement contracts concerning products of the specified type, the tenderer must demonstrate that it has performed and successfully completed, within the last 3 years (the period being calculated from the deadline for submission of tenders), similar products/services or research equipment dedicated to the study of methane emissions and isotopic analysis, with a minimum total value of RON 1,200,000.00.</p> <p>Based on the analysis carried out with regard to the relevant experience available on the specialized market, similar product shall be understood as: research equipment dedicated to gas emissions and related services, such as delivery, commissioning/installation, training, maintenance, servicing, etc.</p> <p>The tenderer shall submit a list of the main similar deliveries/services carried out during no more than the last 3 years, for the purpose of demonstrating similar experience, including values, delivery/performance periods, and beneficiaries, regardless of whether the latter are contracting authorities or private clients. For contracts expressed in currencies other than RON, the annual average exchange rate communicated by the National Bank of Romania (NBR) shall be applied.</p> <p>NBR average exchange rate RON/CHF/EUR 2025: 1 CHF = 5.3804 RON / 1 EUR = 5.0415 RON; NBR average exchange rate RON/CHF/EUR 2024: 1 CHF = 5.2240 RON / 1 EUR = 4.9746 RON; NBR average exchange rate RON/CHF/EUR 2023: 1 CHF = 5.0917 RON / 1 EUR = 4.9465 RON.</p> <p>For the calculation of equivalence, the annual average exchange rate RON/other currency communicated by the NBR for each respective year shall be applied.</p> <p>If the deadline for submission of tenders is postponed, the lower limit of the 3-year period shall be extended by the duration of the postponement, and the requirement shall be deemed fulfilled for all economic operators who have provided proof of completion of a similar experience contract within the newly resulting time interval.</p> <p>Where the deliveries/services presented as experience were performed within a consortium, the contracting authority shall consider; for the purpose of fulfilling the minimum requirement, the value calculated proportionally to the percentage stipulated in the consortium agreement. For this purpose, a certified copy “true to the original” of the consortium agreement shall be submitted.</p> <p>In the case of a consortium, the requirement shall be fulfilled by the members of the consortium.</p> <p>Where the tenderer benefits from technical support from a supporting third party, in accordance with Article 182 of Law No. 98/2016, the supporting third party shall complete the relevant form.</p>	<p><i>Method of fulfillment:</i></p> <p>The European Single Procurement Document (ESPD) shall be completed in accordance with Articles 193–195 of Law No. 98/2016, as well as the ANAP notifications of 08.04.2019 and 02.07.2019.</p> <p>The RON/EUR exchange rate used for the calculation of equivalence shall be indicated, namely the annual average RON/foreign currency exchange rate communicated by the National Bank of Romania (NBR) for each respective year.</p> <p>NBR average exchange rate RON/CHF/EUR 2025: 1 CHF = 5.3804 RON / 1 EUR = 5.0415 RON; NBR average exchange rate RON/CHF/EUR 2024: 1 CHF = 5.2240 RON / 1 EUR = 4.9746 RON; NBR average exchange rate RON/CHF/EUR 2023: 1 CHF = 5.0917 RON / 1 EUR = 4.9465 RON.</p> <p>The ESPD – Part IV “Selection Criteria” – Section C “Technical and Professional Ability” shall be completed by the economic operators participating in the award procedure with information relevant to their specific situation, namely: the number and date of the contract invoked as similar experience, the beneficiary, the date and number of the acceptance/reception document, as well as the share and/or activities for which the operator was responsible, together with their value, excluding VAT.</p> <p>The documents by which economic operators may demonstrate compliance with the similar experience requirement include, without being limited to (the list not being cumulative):</p> <ul style="list-style-type: none"> <li>- copies of relevant parts of the contracts performed; handover/acceptance certificates; references; reception minutes; certificates of satisfactory performance; certificates of registration; other relevant documents.</li> </ul> <p>From these documents, the following must be clearly identifiable: the beneficiary, price, quantity, period (including the contract conclusion date), products, services, and the place of delivery of the products.</p> <p>Where the contracts invoked as experience contain confidentiality clauses that prevent their full disclosure, the economic operator shall submit the pages of the contract and its annexes containing references to: the contracting parties, object of the contract, duration of the contract, contract price and values, as well as the signatures/stamps of the parties.</p> <p>Where the beneficiary is a private client and, for objective reasons, the economic operator is unable to obtain certification/confirmation from that client, proof of the deliveries shall be provided by means of a statement issued by the economic operator.</p> <p>Non-resident economic operators shall submit the relevant copies accompanied by an authorized translation into Romanian.</p> <p>The supporting documents proving compliance with the declarations made by completing the ESPD shall be submitted, upon request of the contracting authority, only by the tenderer ranked first in the ranking drawn up at the end of the tender evaluation process.</p> <ol style="list-style-type: none"> <li>1.The tenderer has the right to demonstrate the delivery of products/services by any type of certificate or document of satisfactory performance, issued or countersigned by a public authority/entity or by the private beneficiary client. The contracting authority has the right to contact, including directly, the final beneficiary of the products/services forming the object of the contract submitted as similar experience, in order to confirm the information provided by the tenderer.</li> <li>2.If a group of economic operators submits a joint tender, the requirement shall be demonstrated by taking into account the combined resources of all members of the group. In this case, each associated tenderer shall also complete the ESPD – Part IV</li> </ol>

	<p>“Selection Criteria” – Section C “Technical and Professional Ability.” Where the tenderer is a consortium of economic operators, it shall upload to SEAP, together with a separate ESPD for each consortium member, the consortium agreement, signed with an extended electronic signature. If the joint tender is declared the winning tender, upon signing the contract, the authenticated consortium agreement shall be submitted, in accordance with Article 54(2) of Law No. 98/2016. The supporting documents proving the commitments undertaken through such agreements shall be requested only from the tenderer ranked first, following application of the award criterion, upon request of the contracting authority.</p> <p>3. If the tenderer relies on the capacity of one or more supporting third parties in order to meet one or more qualification criteria, the tenderer shall complete the ESPD – Part II “Information concerning the economic operator” – Section C “Information about reliance on the capacities of other entities.” Each supporting third party shall also complete a separate ESPD form.</p> <p>Where reliance on a supporting third party exists, the tenderer shall submit together with the ESPD:</p> <p>a) a firm commitment regarding the technical and professional support provided by the supporting third party, in accordance with the template form – Form No. 11 in the Annex “Forms_Research_system_EEMS.docx”, included in the “Forms” section of the Award Documentation, clearly indicating the effective manner in which the support will be provided. The joint and several liability of the supporting third party/parties shall be engaged in the event of failure to fulfill the support obligations undertaken through the commitment;</p> <p>b) the documents transmitted to the tenderer by the supporting third party/parties, demonstrating the effective manner in which the supporting third party/parties will ensure fulfillment of the support commitment, which shall constitute annexes to the firm commitment.</p> <p>4. Where the tenderer intends to subcontract part of the contract, the tenderer shall complete the relevant section of the ESPD. The subcontractor shall complete a separate ESPD form. Additionally, the economic operator shall submit, together with the tender, the subcontracting agreement.</p> <p>5. Foreign legal persons shall submit certificates/supporting documents as legible copies bearing an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, representing original documents accompanied by an authorized translation into Romanian.</p> <p>Where contracts submitted as similar experience include multiple types of products/services, the tenderer is required to clearly identify and prove, within the submitted documents, which products/services are relevant for meeting the requirements set out in the Data Sheet of the Procurement, by submitting appropriate certificates / acceptance minutes / documents of satisfactory performance / reception / delivery / installation / training, as applicable.</p>
<p><i>Requirement No. 2</i>  Declaration of the part(s) of the contract that are performed by subcontractors.  The tenderer shall indicate the part(s) of the contract which he intends to subcontract.  Where the tenderer intends to subcontract part of the contract, it shall complete the ESPD – Section “Selection Criteria” – point B “Technical and Professional Ability”, explicitly indicating the subcontractors, their contact details, the part(s) of the contract to be performed by them, and the value of the respective part(s) for each declared subcontractor.  Subcontractors on whose capacities the tenderer relies for the purpose of demonstrating compliance with the qualification criteria shall also be considered supporting third parties, in which case the subcontracting agreement shall simultaneously represent the firm commitment, and the model Subcontracting Agreement included in the Award Documentation shall be complied with.</p>	<p><i>Method of fulfillment:</i></p> <p>The European Single Procurement Document (ESPD) shall be completed in accordance with Articles 193–195 of Law No. 98/2016, as well as the ANAP notifications of 08.04.2019 and 02.07.2019.</p> <p>Submission of Form No. 9 from the Annex “Forms_Research_system_EEMS.docx.”</p> <p>The supporting documents proving compliance with the declarations made by completing the ESPD shall be submitted, upon request of the contracting authority, only by the tenderer ranked first in the interim ranking drawn up at the end of the tender evaluation process.</p> <p>Tenderers shall upload to SEAP, together with the tender, the subcontracting agreement(s) concluded between the tenderer and the subcontractor(s) named in the tender, so that the activities assigned to them, as well as the corresponding value of the services/activities, may be included in the subcontracting contract to be submitted upon conclusion of the public procurement contract.</p>

<p>In addition, each subcontractor shall complete a separate ESPD form containing the information required in the sections “Exclusion Grounds” and “Selection Criteria” – point A “Suitability to pursue the professional activity” and point C “Technical and Professional Ability” (the latter only where its resources are relied upon for meeting the technical and/or professional capacity criteria).</p> <p>Where a ground for exclusion is identified, with the appropriate application of the provisions of Article 170(2) of Law No. 98/2016, the contracting authority shall request the tenderer once only to replace the subcontractor in respect of whom it has been established, following verification, that such a situation exists.</p> <p>In accordance with the provisions of Article 174(1) of Law No. 98/2016, the contracting authority reserves the right to request the tenderer ranked first after application of the award criterion to submit relevant information and documents regarding the technical and professional capacity of the proposed subcontractors, in relation to the part(s) of the contract they are to effectively perform.</p> <p>Where, based on the information and documents submitted pursuant to the above request, it is established that the proposed subcontractor does not have the required technical and professional capacity for the part(s) of the contract it is to effectively perform, in accordance with Article 174(2) of Law No. 98/2016, the contracting authority shall reject the proposed subcontractor and shall request the tenderer once only to replace it and to propose another subcontractor having the necessary technical and professional capacity for the part(s) of the contract it is to effectively perform.</p>	<p>The subcontracting agreement(s) shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, in accordance with the law. The agreement(s) shall contain at least the following elements: the name, contact details, and legal representatives of the subcontractor; the activities to be subcontracted; the value of the subcontracted works/services; the option regarding direct payment to the subcontractor.</p> <p>In accordance with the provisions of Article 218(4) of Law No. 98/2016, the contracting authority is obliged, upon conclusion of the contract, to request submission of the contract(s) concluded between the contractor and the subcontractor(s) named in the tender.</p> <p>The subcontracting contract(s) submitted upon conclusion of the public procurement contract:</p> <ul style="list-style-type: none"> <li>- shall contain at least the information included in the subcontracting agreement(s) submitted with the tender;</li> <li>- shall include the value of the subcontracted part(s) as stated in the Subcontracting Agreement and declared in the ESPD;</li> <li>- shall be consistent with the Tender and shall constitute an annex to the public procurement contract.</li> </ul> <p>Where the subcontractor has expressed the option to be paid directly by the Beneficiary, the subcontracting contracts shall mandatorily include, in addition to the above, an annex in which the successful tenderer and the subcontractor:</p> <ul style="list-style-type: none"> <li>- record the option for direct payment to the subcontractor;</li> <li>- specify the bank account of the subcontractor into which direct payments shall be made.</li> </ul> <p>The liability of the contractor with regard to the performance of the contract shall not be diminished where part(s) of the contract are performed by subcontractors.</p>
<p><i>Continue requirement No. 2</i></p> <p><i>The economic operator may be supported by third party supporters in accordance with Article 182 of Law 98/2016.</i></p>	<p><i>Method of fulfillment</i></p> <p><b><i>Upon submission of the European Single Procurement Document (ESPD), the economic operator shall submit the commitment of the supporting third party (together with the annexed documents transmitted by the supporting third party/parties, demonstrating the effective manner in which such support will be provided), the consortium agreement, and the subcontracting agreement.</i></b></p> <p><b><i>The supporting documents proving the commitments undertaken through such commitments/agreements shall be requested only from the tenderer declared the successful bidder, upon request of the contracting authority.</i></b></p> <p><b><i>Submission of the template forms included in the file “Forms_Research system EEMS.docx” (Form No. 11).</i></b></p>
<p><b>III.2.3.b.) Quality assurance standards</b></p>	
<p>Information and / or minimum level (s) required to assess compliance with the above requirements:</p>	<p>Method of fulfillment</p>
<p><b><i>Requirement No. 1</i></b></p> <p>Certificates issued by independent bodies regarding quality assurance standards</p> <p>The tenderer shall demonstrate compliance with quality assurance standards, namely that it holds SR EN ISO 9001 certification or an equivalent certification for the main activity forming the object of the contract.</p> <p>Proof of implementation of a quality management system in accordance with SR EN ISO 9001 shall be provided by submitting valid certificates issued by accredited certification bodies, or by other evidence confirming the assurance of an appropriate level of quality, in accordance with the provisions of Article 200 of Law No. 98/2016.</p>	<p><b><i>Method of Compliance</i></b></p> <p>The European Single Procurement Document (ESPD) shall be completed in accordance with Articles 193–195 of Law No. 98/2016, as well as the ANAP notifications of 08.04.2019 and 02.07.2019.</p> <p>The tenderer / consortium member shall complete the ESPD – Section “Selection Criteria” – point D “Quality assurance systems and environmental management standards.”</p> <p>The tenderer ranked first after application of the award criterion shall submit, prior to contract award, upon request of the Contracting Authority, the relevant certifications issued by independent bodies, namely ISO 9001 or equivalent, or any other evidence or proof, insofar as the evidence/proof submitted confirms the assurance of an appropriate level of quality equivalent to that required by the award documentation, for each consortium member individually, where applicable.</p> <p>Note 1: The requirement regarding the implementation of a quality management system in accordance with SR EN ISO 9001 or equivalent must be fulfilled exclusively by the economic operator(s) performing the contract execution activities.</p>

	<p>Note 2: If a group of economic operators submits a joint tender, the requirement shall be demonstrated individually by each member, for the part of the contract it performs. In this case, each consortium member shall also complete the ESPD – Section “Selection Criteria” – point D “Quality assurance systems and environmental management standards.” Additionally, the Consortium Agreement, signed with an extended electronic signature in accordance with the law, shall be uploaded to SEAP together with the tender.</p> <p>Note 3: The requirement regarding ISO 9001 certification or equivalent cannot be fulfilled through reliance on another entity (supporting third party).</p> <p>Note 4: Where the economic operator demonstrates that it does not have access to a quality certificate or was unable to obtain such a certificate by the time requested, for reasons not attributable to it, the tenderer may submit any other appropriate evidence or proof, insofar as the evidence/proof submitted confirms the assurance of an appropriate level of quality equivalent to that required by the award documentation.</p>
<b>III.2.4) Reserved contracts (where appropriate)</b>	yes <input type="checkbox"/> no <input checked="" type="checkbox"/>
The contract is reserved for protected workshops	<input type="checkbox"/>
The contract will be executed only within some protected employment programs	<input type="checkbox"/>

### III.3) SPECIFIC CONDITIONS FOR SERVICE CONTRACTS

<p><b>III.3.1) The provision of the services in question is reserved for a certain</b> <span style="float: right;">da <input type="checkbox"/> nu <input checked="" type="checkbox"/></span>  <b>If yes, specify acts with the force of law and applicable administrative acts:</b>          If applicable, indicate which profession (solution completion)</p> <p>_____</p>
<p><b>III.3.2) Legal entities have the obligations to indicate the name and qualifications of staff members responsible for the provision of those services</b> <span style="float: right;">da <input type="checkbox"/> nu <input checked="" type="checkbox"/></span></p>

## SECTION IV: PROCEDURE

### IV.1) ASSIGNMENT PROCEDURE

<b>IV.1.1) Type of procedure and method of conduct</b>
<b>IV.1.1.a) The manner in which the award procedure is carried out</b> <span style="float: right;">Offline <input type="checkbox"/> On line <input checked="" type="checkbox"/></span>
<b>IV.1.1.b) Type of procedure</b>
<b>Open action</b> <input checked="" type="checkbox"/>
Justification for the choice of the accelerated auction:
<b>Restricted auction</b> <input type="checkbox"/>
<b>Accelerated restricted auction</b> <input type="checkbox"/>
Justification for the choice of the accelerated restricted auction
<b>Negotiation without prior publication</b> <input type="checkbox"/>
Candidates have already been selected <span style="float: right;">da <input type="checkbox"/> nu <input type="checkbox"/></span>
<b>Accelerated competitive negotiation</b> <input type="checkbox"/>
Justification for choosing accelerated negotiation:
<b>Competitive dialogue</b> <input type="checkbox"/>
<b>Partnership for innovation</b> <input type="checkbox"/>
_____
<b>Simplified procedure</b> <input type="checkbox"/>
<input type="checkbox"/> One stage
<input type="checkbox"/> More stages
Justification for speeding up the procedure:
<b>Solution contest</b> <input type="checkbox"/> <span style="float: right;">Open <input type="checkbox"/> Restricted <input type="checkbox"/></span>
<b>Estimated number of participants</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <b>or the minimum number</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <b>/ the maximum number</b> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<b>IV.1.2) Limitation of the number of economic operators invited to submit tenders or to participate (restricted bidding and competitive negotiation, competitive dialogue)</b>
Expected number of economic operators <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
or Expected Minimum Number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> and, where applicable, Maximum Number <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

**IV.1.3) Reduction of the number of economic operators during the negotiation or dialogue** (*negotiation, competitive dialogue*)

Applying for an auction that takes place in successive stages to progressively reduces the number of solutions to be discussed or offers to be negotiated yes  no

**IV.2) AWARD CRITERIA / PROJECT EVALUATION CRITERIA (solution competition)**

<b>IV.2.1) Award criteria</b> ( <i>if applicable, tick the appropriate field or fields or list the award criteria</i> )		
<input type="checkbox"/> <i>Lowest price / lowest cost</i>		
Sau		
<input checked="" type="checkbox"/> <i>The best quality-price ratio</i>		
<input type="checkbox"/> <i>The best value for money</i>		
<input type="checkbox"/> the criteria mentioned below ( <i>the award criteria must be indicated together with the weighting or in descending order of priority, in case the weighting cannot be achieved for demonstrable reasons</i> )  <input type="checkbox"/> the criteria set out in the tender documentation, in the invitation to submit an tender or to participate in the negotiation or in the descriptive document		
<b>Criteria</b>	<b>Weight</b>	<b>Enter ESPD electronic auction / re-bid</b>
<b>1. Tender price</b>	<b>50%</b>	<b>No <input type="checkbox"/> Yes</b>
<i>Details on the application of the calculation algorithm</i> <b>The score for the evaluation factor " tender price" is given as follows:</b> a) For the lowest price of the offered prices, the maximum score allocated to the respective evaluation factor is granted (50 points); b) For a price other than the one provided in the letter a) the score is thus awarded: $P_n = 50 \times (\text{minimum price} / \text{price}_n)$ where: <i>P<sub>n</sub> - the offer score for the evaluation factor " offer price";</i>  <i>Minimum price - the lowest price offered;</i>  <i>Price n - the price offered by the economic operator for which the score is calculated</i>  The maximum possible financial score is 50 points.		
<b>2. Delivery time</b>	<b>40%</b>	<b>No <input type="checkbox"/> Yes</b>
<i>Details on the application of the calculation algorithm</i> Score for the evaluation factor „Delivery time” – P <sub>1</sub> is thus granted:  a) for the shortest delivery time of 4 months, the maximum score assigned to the respective evaluation factor is awarded: 40 points;  b) for the longest delivery time of 6 months, no score is awarded / the minimum score assigned to the respective evaluation factor is awarded: 0 points;  c) for other delivery terms in the minimum and maximum range, points are awarded according to the formula.  $\text{Effective score } (P_1) = 40 \times (\text{Minimum delivery time} / \text{Delivery time offered})$ where: <i>Effective score (P<sub>1</sub>) - bid score for the evaluation factor „Delivery time”;</i>  <i>Minimum delivery time – the shortest delivery time offered;</i>  <i>Delivery time offered – the delivery time offered, for which the score is calculated.</i>  Minimum delivery time: 4 months. Maximum delivery time: 6 months.  Please note that the delivery time must not exceed 6 months, in accordance with the requirements of the Contracting Authority and considering that a term within the time frame presented above (4 - 6 months) represents an optimal interval for the delivery of the equipment.		

<p>Bids that have a longer delivery time than the maximum delivery time (6 months) accepted by the Contracting Authority, will be declared non-compliant. Tenders with a shorter delivery time than the minimum time limit (4 months) accepted by the Contracting Authority will not be additionally scored.</p> <p><b>NOTE: When drafting the technical proposal, and implicitly the evaluation factors "Delivery Time" and "Commissioning period," the use of the phrases "maximum/minimum" should be avoided, and the exact offered term should be specified.</b></p>		
<b>3. Commissioning period</b>	<b>10 %</b>	<b>No <input type="checkbox"/> Yes</b>
<p><i>Details on the application of the calculation algorithm</i></p> <p>Calculation algorithm:</p> <p>The score for the evaluation factor "Commissioning time" is thus given:</p> <p>a) for the shortest commissioning period of 1 day, the maximum score allocated to the respective evaluation factor is awarded: 10 points;</p> <p>b) for the maximum commissioning period of 10 days, no score is awarded / the minimum score assigned to the respective evaluation factor is awarded: 0 points</p> <p>c) for other commissioning terms, within the minimum and maximum range, points are awarded according to the formula.</p> <p><b>Effective score (P<sub>3</sub>) = 10 x (Minimum commissioning time / Term of commissioning offered)</b></p> <p>where:</p> <p><i>Effective score (P<sub>3</sub>)- bid score for the evaluation factor „Term of commissioning”;</i></p> <p><i>Minimum commissioning time – the shortest commissioning term of those offered;</i></p> <p><i>The commissioning term offered – the commissioning term offered, for which the score is calculated.</i></p> <p>Term of commissioning minimum 1 day, maximum 10 days.</p> <p>It is considered that the commissioning period should not exceed 15 days, in accordance with the requirements of the Contracting Authority and considering that a time limit within the time limit set out above (1 – 10 days) represents an optimal interval for the commissioning of the equipment.</p> <p>Tenders that have a longer commissioning period than the maximum commissioning period (10 days) accepted by the Contracting Authority will be declared non-compliant. Tenders with a commissioning period shorter than the minimum period (1 day) accepted by the Contracting Authority will not be additionally scored.</p> <p><b>NOTE: When drafting the technical proposal, and implicitly the evaluation factors "Delivery Time" and "Commissioning period," the use of the phrases "maximum/minimum" should be avoided, and the exact offered term should be specified.</b></p>		
<p>( <input checked="" type="checkbox"/> ) Enter electronic auction / re-bid ( <input checked="" type="checkbox"/> ) Directly proportional ( <input type="checkbox"/> ) Reverse proportional</p> <p>Maximum technical component score 50% <input type="checkbox"/></p>		
<b>IV.2.2) An electronic auction will be organized</b>		<b>yes <input type="checkbox"/> no <input checked="" type="checkbox"/></b>
<p>If yes, additional information about the electronic auction (if applicable)</p>		
<b>IV.2.3. "Names of participants already selected (in case of a restricted solution contest)"</b>		

### IV.3) ADMINISTRATIVE INFORMATION

<p><b>IV.3.1) Reference number assigned to the file by the contracting authority (if applicable)</b></p> <p>_____</p>
<p><b>IV.3.2) Previously published announcements (previously published announcement) regarding the same yes <input type="checkbox"/> no <input type="checkbox"/></b></p> <p><b>If yes,</b></p> <p>Notice of intent <input type="checkbox"/> Notice of buyer profile <input type="checkbox"/></p> <p>Ad number in JO: □□□□/S □□□-□□□□□□ from □□/□□/□□□□ (dd/mm/yyyy)</p> <p>Other previous publications (if applicable) <input type="checkbox"/></p> <p>Ad number in JO: □□□□/S □□□-□□□□□□ from □□/□□/□□□□ (dd/mm/yyyy)</p> <p>Ad number in JO: □□□□/S □□□-□□□□□□ from □□/□□/□□□□ (dd/mm/yyyy)</p> <p>Notice of intent</p>

Number and date of publication in ESPD	
<b>IV.3.6) The language or languages in which the tender / application / project or application for participation may be drafted</b>	
ES BG CS DA DE ET EL EN FR IT LV LT HU MT NL PL PT RO SK SL FI SV	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Other: _____	
The currency in which the financial offer is sent (in the case of online or offline procedures with the final stage of L.E).	
<b>IV.3.7) Minimum period during which the tenderer must maintain his tender time</b> in months: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> or in days: <b>120 (4 months)</b> <input type="checkbox"/> <input type="checkbox"/> (from the deadline for receipt of tenders)	
<b>IV.3.8) Rewards and jury (in case of a solution competition)</b>	
<b>IV.3.8.1) One or more bonuses will be awarded</b>	yes <input type="checkbox"/> no <input type="checkbox"/>
If yes, number and bonuses values which will be awarded (if applicable)	
<b>IV.3.8.2) Payment details to all participants (if applicable)</b>	
<b>IV.3.8.3) Contracts awarded following the competition: Service contracts awarded following the competition will be awarded to the winner or one of the winners of the competition</b>	yes <input type="checkbox"/> no <input type="checkbox"/>
<b>IV.3.8.4) The decision of the jury is binding on the contracting authority / contracting entity</b>	yes <input type="checkbox"/> no <input type="checkbox"/>
<b>IV.3.8.5) Selected jury members names (if applicable)</b>	

#### IV.4. PRESENTATION OF THE OFFER

<b>IV.4.1. How to present the technical proposal</b>
<p>The tenderers will draw up the technical proposal – <b>complete Form no. 6 of the Annex „Forms Research system EEMS.docx”</b>.</p> <p>The Technical Proposal shall be prepared in such a manner as to ensure the possibility of verifying its compliance with the specifications set out in the Technical Specifications.</p> <p>The Technical Proposal shall be prepared so as to demonstrate that all requirements of the award documentation are fully met and assumed.</p> <p>The contracting authority shall reject tenders that do not comply with the requirements set out in the Technical Specifications (in accordance with Article 137(2) and Article 137(3)(a) of Government Decision No. 395/2016).</p> <p>The Technical Proposal shall be prepared in an organized manner, so that the tender evaluation process allows for easy identification of the correspondence between the information contained in the tender and the technical specifications set out in the Technical Specifications. For this purpose, technical data sheets shall be submitted, which shall include at least the technical characteristics of the offered product. The technical specifications of the product included in the tender shall also be submitted. The information provided shall be accompanied by declarations/certificates of conformity issued by the manufacturers or their authorized representatives, or other similar documents.</p> <p>The absence of a data sheet, the incomplete submission thereof, non-compliance with the minimum requirements, or the absence of a manufacturer’s technical data sheet shall result in the tender being declared non-compliant.</p> <p>For the proposed product, the tenderer shall submit technical data sheets and information regarding delivery availability and delivery conditions, including warranty and maintenance terms and conditions. The Technical Proposal shall be accompanied by a delivery schedule in accordance with the assumed deadline.</p> <p>The product shall be considered as a complete unit, including all accessories necessary for installation and operation at the parameters for which it was designed.</p> <p>The tenderer shall present the method of ensuring access to the necessary and mandatory specialists for the purpose of verifying the appropriate quality level in accordance with the fundamental requirements applicable to the services included in the object of the contract, in compliance with the legal provisions – or equivalent.</p> <p>The Technical Proposal must also be submitted in an editable file format (doc, docx, xls, xlsx, etc.), in addition to the PDF file signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider.</p> <p>All technical information included in the tender shall not be considered confidential, except for information included in the Technical Proposal that is clearly indicated by the tenderer as confidential, classified, or protected by intellectual property rights. The Contracting Authority reserves the right to use all other technical information included in the Technical Proposal.</p> <p>In accordance with Article 123(1) of Government Decision No. 395/2016, the tenderer shall prepare the tender in compliance with the award documentation and shall reasonably indicate within the tender which information in the Technical Proposal is confidential, classified, or protected by intellectual property rights, in accordance with the applicable legislation. If, by the deadline for submission of tenders, the tenderer has not reasonably indicated such aspects, the contracting authority shall consider that the tender contains no confidential, classified, or IP-protected elements.</p> <p>The tenderer agrees that, if it does not clearly mark the information contained in the Technical Proposal that is confidential, classified, or protected by intellectual property rights, the Contracting Authority is free to use or disclose any or all such information without notifying the tenderer.</p> <p>The tender shall be considered non-compliant if the Technical Proposal is not prepared in accordance with all the requirements set out in the Technical Specifications.</p> <p>Failure to meet any specific requirement of the Technical Specifications shall result in the tender being classified as non-compliant.</p> <p>Tenders that do not include a Technical Proposal shall be declared inadmissible, pursuant to Article 137(1)(k) of Government Decision No. 395/2016.</p> <p>The Technical Proposal and all its annexes shall be submitted in Romanian.</p>

The mere assumption of the Technical Specifications does not constitute a Technical Proposal.

**The tenderer is obliged to prepare and submit the Technical Proposal at least in accordance with the minimum content indicated in the “Technical Proposal” Form. The Technical Proposal must obligatorily declare the PRODUCT CODE AND THE NAME OF THE MANUFACTURER(S) of the offered products.**

Within the Technical Proposal, tenderers shall declare all parts they intend to subcontract, regardless of whether, at the time of submission of the tender, the identification details of the respective subcontractors are known or not.

In addition, the tenderer shall complete and obligatorily include in its Technical Proposal the following forms and documents:

a) Statement on own responsibility confirming acceptance of the contractual clauses – Form No. 7 from the Annex **“Forms\_Research\_system\_EEMS.docx”**;

b) Supporting documents required to demonstrate compliance with the mandatory requirements regarding the minimum personnel necessary for carrying out the activities forming the object of the contract;

c) Statement regarding compliance with mandatory regulations in the field of environmental, social matters, labor relations, and occupational health and safety, in accordance with the template provided in the “Forms” Section of the Award Documentation – Form No. 3 from the Annex **“Forms\_Research\_system\_EEMS.docx”**. This form shall be completed by both the tenderer and the subcontractors declared in the tender.

Detailed information regarding the regulations in force at national level concerning working conditions and occupational health and safety may be obtained from the Ministry of Labor, Family, Social Protection and the Elderly, Str. Dem I. Dobrescu No. 2–4, Sector 1, Bucharest, Romania, Tel. +40 213136267, Fax: +40 213136267, Website: [www.mmssf.ro](http://www.mmssf.ro).

Information regarding regulations in force at national level concerning environmental conditions may be obtained from the Ministry of Environment, Waters and Forests, Bd. Libertății No. 12, Sector 5, Bucharest, Romania, Tel. +40 21 408 9605, Fax: +40 21 408 9615, Website: <http://www.mmediu.ro>, or from the National Environmental Protection Agency, Website: <http://www.anpm.ro/web/guest/legislatie>.

d) Statement regarding the part(s) of the Technical and Financial Proposal that are confidential, in order to comply with the provisions of Article 57 of Law No. 98/2016 and Article 123(1) of Government Decision No. 395/2016.

Note 1: The tenderer shall prepare a table of contents (Index) of the documents included in the Technical Proposal. The Technical Proposal, including all annexes, shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, and shall be submitted electronically via SEAP, no later than the deadline for submission of tenders stated in the Contract Notice, in accordance with Article 60(1) of Government Decision No. 395/2016.

The Technical Proposal, including all the above-mentioned forms, shall be uploaded to SEAP in the specific sections available in the electronic system only by registered economic operators.

Note 2: Where, for the purpose of verifying compliance of the Technical Proposal with the technical documentation, the Contracting Authority requests clarifications/completions, the tenderer’s response shall be submitted electronically via SEAP, signed with an extended electronic signature based on a qualified certificate.

Note 3: The Contracting Authority shall apply the evaluation factors regarding the technical component only to admissible tenders, namely those that have not been rejected by the evaluation committee following verification and evaluation in accordance with Articles 132 and 133 of Government Decision No. 395/2016.

Note 4: Tenders that do not adequately meet the requirements of the Technical Specifications shall be declared non-compliant.

Note 5: In the Technical Proposal, the tenderer shall assume the obligation to transfer all copyright and related economic rights over the technical and economic documentation produced, deriving from the object of the contract, to the contracting authority, as of the date of acceptance thereof.

Note 6: Any reference in the award documentation (including the Technical Specifications) indicating a specific origin, source, production, special process, trademark, patent, and/or manufacturing license shall be read and interpreted as being accompanied by the wording “or equivalent.”

Note 7: Presumption of legality and authenticity of submitted documents: the tenderer assumes full responsibility for the legality and authenticity of all documents submitted in original and/or copy form for participation in the procedure. The review of documents by the evaluation committee does not entail any liability or obligation regarding their acceptance as authentic or legal and does not remove the tenderer’s exclusive responsibility in this respect.

Note 8: The contract template shall include the statement:

“We have read and agree without reservations to the contractual terms and conditions set out in the Section ‘Supply Contract Template’ of the award documentation and we consent that, should our tender be declared successful, we shall sign the public procurement contract in accordance with the provisions of the award documentation” – completion of Form No. 7 from the Annex **“Forms\_Research\_system\_EEMS.docx”**.

If an economic operator considers that certain clauses are detrimental, it shall request clarifications from the contracting authority, including amendments, so that, if such clauses are modified, they are communicated to all interested economic operators prior to the deadline for submission of tenders. Mandatory contractual clauses may therefore be amended and communicated to all interested parties up to the deadline for submission of tenders, while specific clauses may be negotiated/modified provided that they do not introduce conditions that would have allowed the contract to be awarded to another economic operator or alter the economic balance of the contract in favor of the contractor.

**Note 9: When preparing the Technical Proposal, the use of the terms “maximum/minimum” shall be avoided, and the exact offered value/term shall be specified.**

The Technical Proposal shall be submitted in SEAP, scanned and signed with an electronic signature, under the section qualification documents and technical proposal.

All documents shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, and uploaded to SEAP in the specific sections available in the electronic system.

#### **IV.4.2. How to present the financial proposal**

The Financial Proposal shall include the total price offered.

The tenderer shall encrypt in SEAP the total value of the Financial Proposal, in accordance with the provisions of Article 60(2) of Government Decision No. 395/2016. The documents substantiating the value of the Financial Proposal shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, in accordance with the law, and shall be submitted by electronic means, uploaded to the dedicated section of the SEAP portal. Their content shall be visible to the evaluation committee after decryption of the financial proposal.

The total value of the Financial Proposal shall be presented in RON/EUR, expressed with a maximum of two decimal places, and shall be supported by: the Tender Form, Annex 1, and Annex 2 — Form No. 5, Annex 1 and Annex 2 from the Annex “Forms\_Research\_system\_EEMS.docx”.

The Financial Proposal shall be expressed exclusively in RON, excluding VAT. For the purpose of relating the offered price to the estimated value, the exchange rate communicated by the National Bank of Romania, valid on the date of publication of the contract notice, shall be applied.

The prices offered within the Financial Proposal shall include all costs related to contract performance up to final acceptance, namely the costs related to contract implementation, including but not limited to the following: delivery costs, commissioning, product maintenance during the warranty period, fees of experts (key experts, non-key experts, support staff), training, logistical costs related to the performance of activities (such as transport, accommodation, daily allowance, meals, etc.), communication costs (voice/data), material costs (costs of fixed assets, including the tenderer’s equipment to be used for contract performance, consumables, depreciation, etc.), operational (administrative) costs, indirect costs, expenses for the provision of ancillary services in accordance with the requirements of the Technical Specifications, as well as the related profit margin.

In this regard, the amounts of these costs included in the offered prices shall be distinctly itemized in an annex to the Financial Proposal, using a model chosen by the tenderer.

The tenderer is obliged to offer all services it considers necessary for the performance of the contract.

At the request of the contracting authority, the tenderer shall be able to justify all values offered within the Financial Proposal.

Note 1: The Financial Proposal must fall within the funds available for the performance of the public procurement contract, must be correlated with the elements of the Technical Proposal in order to avoid defective contract performance, and must not fall under the situation provided for in Article 210 of Law No. 98/2016, nor constitute a deviation from the applicable legislation other than that governing public procurement.

Note 2: Where, for the purpose of verifying compliance of the Financial Proposal, the Contracting Authority requests clarifications/completions, the tenderer’s response shall be submitted via SEAP, in electronic format, signed with an extended electronic signature based on a qualified certificate issued by an accredited certification service provider.

Note 3: Arithmetic errors and/or formal defects shall be corrected by the Beneficiary in accordance with the legal provisions, only with the tenderer’s consent. If the tenderer does not accept the correction of such errors/defects, its tender shall be declared inadmissible. Arithmetic errors represent issues that may be clarified in compliance with the principles set out in Article 2(2) of Law No. 98/2016, with the elements of the Financial Proposal being corrected accordingly, including the total tender price, by recalculating the relevant amounts.

Note 4: The Financial Proposal is firm and binding in terms of its content throughout the entire validity period.

Note 5: No subsequent requests or claims by the tenderer relating to price adjustments, determined by such reasons, may be subject to any negotiation or dispute resolution procedure between the contracting parties.

**Attention! The Financial Proposal must be saved and encrypted in the dedicated field of the SEAP application by the deadline for submission of tenders; otherwise, the contracting authority will not be able to evaluate the price offer. Please ensure that the price encrypted in the “Tender” section of the procedure is identical to the price stated in the Tender Form; otherwise, the tenderer shall be disqualified.**

All documents shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, and uploaded to SEAP in the specific sections available in the electronic system.

In accordance with Article 123(1) of Government Decision No. 395/2016, the tenderer shall prepare the tender in compliance with the award documentation and shall reasonably indicate within it which information in the Financial Proposal is confidential, classified, or protected by intellectual property rights, based on the applicable legislation. If, by the deadline for submission of tenders, the tenderer has not reasonably indicated such aspects, the contracting authority shall consider that the tender contains no confidential, classified, or IP-protected elements.

#### **IV.4.3. How to present the offer**

##### **1. GENERAL RULES FOR PARTICIPATION IN THE AWARD PROCEDURE**

Any economic operator has the right to participate in the award procedure as a tenderer, individually or jointly with other economic operators, including in the form of temporary associations established for the purpose of participating in the award procedure, under the conditions provided by law.

Considering that the award procedure is an open tender carried out by electronic means (online), only economic operators registered in SEAP may submit a tender, in accordance with Article 58(1) of Government Decision No. 395/2016.

When submitting the tender in SEAP, the separation of technical information from financial information and their upload into the dedicated fields is mandatory.

The address for submitting the tender is [www.e-licitatie.ro](http://www.e-licitatie.ro). The ESPD shall be completed by economic operators directly in SEAP, after authentication, taking into account the capacity in which they participate in the procedure, namely as single candidate/tenderer/consortium (leader/consortium member)/subcontractor/supporting third party; the Technical Proposal and the Financial Proposal shall be submitted in electronic format/by electronic means.

In cases where the tenderer is a consortium of economic operators or where the tenderer has subcontractors or supporting third parties, each economic operator shall authenticate in the system and access the award procedure in order to complete the ESPD in the capacity in which it was included in that procedure (consortium member, subcontractor, supporting third party). It is necessary that all entities required to respond through the ESPD are registered as users of SEAP.

In the award procedure, one of the consortium members (or the economic operator participating individually) shall enroll and submit the tender, while the other participants complete only the ESPD directly in SEAP. Details regarding completion of the ESPD are available, after authentication in SEAP, in the section “ESPD Information” – ESPD Completion Guide. The supporting third party/parties shall complete the ESPD directly in SEAP and submit it with information corresponding to the support provided. Failure to submit the ESPD leads to rejection of the tender.

The documents mentioned above, namely the files uploaded in SEAP, shall be signed with the extended electronic signature of the legal representative/authorized person of the tenderer. Where the electronic signature belongs to a person other than the legal representative, the relevant power of attorney shall be uploaded.

Where several economic operators participate jointly in the award procedure, they shall be jointly and severally liable for contract performance. Each consortium member shall complete and submit the ESPD directly in SEAP, including information regarding its share of involvement in performance of the future contract. The tenderer shall submit the consortium agreement/contract (indicative model in the forms section) and the ESPD including information regarding the existence of the

consortium, as well as the other aspects required by the standard ESPD format. The consortium agreement must state that all members assume collective and joint and several liability for the performance of the contract.

Where the tenderer has subcontractors, the tenderer is obliged to include in its tender the name(s) and contact details of the subcontractor(s), the part(s) of the contract to be performed by them, the value of such part(s), as well as the subcontractors' agreement regarding these aspects. The contractor's liability regarding the manner of performance of the public procurement contract shall not be diminished where part(s) of the contract are performed by subcontractors.

When submitting the tender in SEAP, the separation of technical information from financial information and their upload into the dedicated fields is mandatory.

Pursuant to Article 123(2) and (3) of Government Decision No. 395/2016, tenderers shall submit by electronic means proof of the tender guarantee, the tender, the ESPD completed directly in SEAP, the qualification documents, and the responses to clarifications, signed with an extended electronic signature based on a qualified certificate issued by an accredited certification service provider. Details regarding completion of the ESPD are available, after authentication in SEAP, in the section "ESPD Information" – ESPD Completion Guide. The supporting third party/parties shall complete and submit the ESPD directly in SEAP with information corresponding to the support provided.

The contracting authority has the right to request in original any special-regime document whose validity is conditioned upon presentation in such form.

In order to avoid errors during the analysis and verification of documents submitted by tenderers, economic operators are requested to number consecutively, from the first to the last page, all pages of the tender, the qualification documents, and the other documents accompanying the tender, so that they may be easily identified.

Documents issued by competent official institutions/bodies or by third parties must be dated, signed and, where applicable, stamped in accordance with the legal provisions in force, and shall be submitted scanned in readable format, marked "true to the original" and electronically signed by the tenderer with an extended electronic signature based on a qualified certificate.

Failure to comply with the instructions, failure to submit the requested information duly completed and/or submitting documents in an improper form that makes it impossible to view their content are actions taken at the tenderer's risk, and failure to submit a tender that meets the minimum and mandatory qualification requirements and the instructions for submission/completion of documents set out herein may lead to rejection of the tender as inadmissible/non-compliant/inappropriate, with due application of the relevant legal provisions. Tenderers must submit a complete tender for all activities covered by this contract.

## **2. INFORMATION ABOUT SUPPORTING THIRD PARTIES**

If the tenderer relies on the capacity of one or more supporting third parties in order to meet one or more qualification criteria, each supporting third party shall complete a separate ESPD form.

At the same time, the tenderer shall upload to SEAP, together with the tender, the firm commitment and the documents transmitted to the tenderer by the supporting third party/parties, demonstrating the effective manner in which the supporting third party/parties will ensure fulfillment of the support commitment, which constitute annexes to the firm commitment.

The submitted documents must concretely indicate the resources (material/human/technical/financial/etc.) that the third party will mobilize if the economic operator encounters difficulties during contract performance or becomes unable to perform the contract; the type of such documents is determined by the obligations assumed by the tenderer and the supporting third party through the firm commitment. The supporting third party shall prove through the submitted documents that it possesses all resources invoked as elements of support.

The supporting documents requested through the Award Documentation for demonstrating requirements regarding economic and financial standing and, where applicable, technical and/or professional capacity shall be submitted for the supporting third party, upon request of the Contracting Authority, only by the tenderer ranked first after application of the award criterion, prior to contract award, in compliance with the electronic signature requirements.

## **3. ASSOCIATION INFORMATION**

Several economic operators have the right to form a consortium for the purpose of submitting a joint tender, without being obliged to adopt or establish a specific legal form for the submission of the tender. All consortium members are required to complete the ESPD with all information requested by the Contracting Authority in the Award Documentation.

In addition, the tenderer shall upload to SEAP, together with the tender, the Consortium Agreement, in accordance with the template provided in the Award Documentation. It shall be submitted in one copy and, in the case of a consortium, shall be signed by the legal representative of each consortium member (in accordance with the provided template). The Consortium Agreement shall be signed with an extended electronic signature based on a qualified certificate issued by an accredited certification service provider, in accordance with the law.

## **4. OFFER WRITING LANGUAGE**

Tenders, any correspondence, and documents related to the award procedure exchanged between the tenderer and the contracting authority must be drafted in Romanian. All documents submitted in the procedure that are issued in a language other than Romanian shall be accompanied by an authorized translation into Romanian. In interpreting the tender, the Romanian language shall prevail.

## **5. OFFER and ACCOMPANYING DOCUMENTS**

When preparing tenders, tenderers must comply with all instructions set out in the Award Documentation.

In order to avoid errors during the analysis and verification of documents submitted by tenderers, economic operators are requested to number consecutively all pages of the tender, qualification documents, and other documents accompanying the tender, so that they may be easily identified.

For participation in the public procurement procedure, the tenderer must submit proof of the tender guarantee, the Tender, and the ESPD in electronic format no later than the deadline (date and time) for submission of tenders specified in the Contract Notice or, as applicable, in the Corrigendum Notice.

Tenderers shall submit within the Tender at least the following documents:

1. Table of contents including the index of submitted documents, indicating the page number where each document is located;
2. Tender letter – completion of the template form from the Annex "Forms\_Research\_system\_EEMS.docx";
3. Tender guarantee;
4. ESPD (response) for all economic operators involved in the procedure (single tenderer, consortium member, subcontractor, supporting third party);
5. Consortium Agreement signed by all consortium members [only in case of a consortium];
6. Power of attorney from each consortium member for the same person, authorizing the designated person to sign the Tender

- and bind the tenderer in the award procedure [only in case of a consortium];
7. Supporting Third Party Commitment (unconditional commitment) regarding financial support for meeting the criteria related to economic and financial standing, and its annexes consisting of documents transmitted to the tenderer by the supporting third party/parties demonstrating how the commitment will be fulfilled [if applicable];
  8. Supporting Third Party Commitment (unconditional commitment) regarding technical and professional support for meeting the criteria related to technical and/or professional capacity, and its annexes consisting of documents transmitted to the tenderer by the supporting third party/parties demonstrating how the commitment will be fulfilled [if applicable];
  9. Subcontracting Agreement(s) for subcontractors known at the time of tender submission [if applicable];
  10. Technical Proposal;
  11. Financial Proposal;
  12. Tender Form;
  13. Other documents requested through the award documentation in accordance with the forms provided by the contracting authority.

All specifications, services, and requirements mentioned and requested within the award documentation (including the Technical Specifications) shall be read as being accompanied by the wording "or equivalent."

The tenderer/consortium member/supporting third party/subcontractor shall complete the ESPD based on the standard form provided by the SEAP operator in electronic format, inserting in the available fields all information requested through the Award Documentation.

For completing the ESPD, the ESPD User Guide for economic operators available in SEAP shall be consulted, as well as the ANAP notifications published at [www.anap.gov.ro](http://www.anap.gov.ro).

In completing the ESPD, both the requirements of the Award Documentation and the provisions of Articles 193–197 of Law No. 98/2016 shall be taken into account.

ATTENTION: Failure to submit the ESPD for the single tenderer/consortium member/supporting third party/subcontractor together with the tender leads to rejection of the tender as inadmissible.

#### **6. HOW TO SUBMIT THE TENDER**

Any economic operator registered in SEAP has the right to submit the tender by electronic means. The electronic procedure for registration, renewal, and recovery of registration in SEAP is carried out in accordance with the electronic procedure implemented by the SEAP operator, with ANAP approval. Additional information for connection and registration is available at <http://sicap-prod.e-licitatie.ro/pub>.

Responsibility for the correct technical functioning of SEAP lies with the system operator, pursuant to Article 5(3) of Government Decision No. 395/2016.

The tender, the documents accompanying it, as well as all correspondence between tenderers and the Contracting Authority, shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, representing original documents.

#### **7. COSTS FOR PREPARING TENDER**

The costs incurred by the tenderers in preparing and submitting the tender as well as all costs incurred by the tenderers participating in the procedure up to the signing of the contract with the successful tenderer WILL NOT BE REFUNDED BY THE CONTRACTING AUTHORITY. All these costs will be borne by each tenderer. The risks of submitting the tender, including force majeure or accident, shall be borne by the economic operator submitting the tender.

#### **8. DESIGNATION OF THE WINNING TENDER**

The contracting authority is obliged to determine the successful tender based on the award criterion specified in the Award Documentation. Tenders shall be evaluated by awarding, for each tender, a score resulting from applying the calculation algorithm established in the award documentation. The ranking of tenders shall be established by sorting the scores in descending order, the successful tender being the one ranked first, i.e., with the highest score.

If two or more tenders are ranked first with equal scores, the tie shall be broken by considering the score obtained for the evaluation factors in descending order of their weights. If the tie persists, the contracting authority has the right to request new financial proposals, and the successful tender shall be the one with the lowest financial proposal (Article 139(3) of Government Decision No. 395/2016).

Note 1: Prior to contract award, the contracting authority requests the tenderer ranked first after application of the award criterion to submit updated supporting documents demonstrating compliance with all qualification and selection criteria, in accordance with the information contained in the ESPD.

Note 2: Where the tenderer ranked first does not adequately demonstrate full compliance with all qualification criteria, the contracting authority requests the next-ranked tenderer to submit all supporting documents as proof of the information contained in the ESPD, for the purpose of verifying compliance with the qualification criteria. The contracting authority awards the contract to the next-ranked tenderer if it meets all qualification criteria provided in the Contract Notice and/or in the Instructions to Tenderers.

Note 3: Documents shall be signed with an extended electronic signature, based on a qualified certificate issued by an accredited certification service provider, and uploaded to SEAP in the specific sections available in the electronic system. Tenders and/or documents not signed with an extended electronic signature are not accepted; no other forms of encryption or password protection are accepted. For documents issued by competent official institutions/bodies, such documents must be signed and stamped in accordance with the legal provisions.

For communications during the contract notice publication period, economic operators shall submit requests for clarifications in SEAP in electronic format, signed with an electronic signature, in accordance with Law No. 455/2001 on electronic signature.

Documents drafted in a language other than Romanian shall be accompanied by an authorized translation into Romanian. In the case of tenderers of a nationality other than Romanian, documents shall be submitted in the original language, accompanied by an authorized translation into Romanian.

The risks related to submission and preparation of the tender, including force majeure, are borne by the economic operator.

Date, time and place of opening of tenders: as per the contract notice, in SEAP ([www.e-licitatie.ro](http://www.e-licitatie.ro)).

ANY SPECIFICATION IN THE AWARD DOCUMENTATION OF BRAND NAMES, SUPPLIERS, MANUFACTURERS, ETC., IS UNINTENTIONAL AND SHALL OBLIGATORILY BE READ AS ACCOMPANIED BY THE WORDING "OR EQUIVALENT"!!!

## SECTION VI: ADITIONAL INFORMATION

<b>VI.1) This acquisition is periodic (if applicable)</b> <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span> If yes, please specify the estimated time for future announcements:
<b>VI.2) Contractul/Concursul se inscrie intr-un proiect/program finantat din fonduri comunitare</b> <span style="float: right;">yes <input type="checkbox"/> no <input checked="" type="checkbox"/></span> If yes, referral (s) to project (s) and / or program (s):
<b>Program: „Emissions and Monitoring Infrastructure Programme”</b> <b>Program Component: „East European Methane Study”</b> <b>Contract no. 3/RO-CH/30.10.2025</b>
Type of financing: Co-financing <input type="checkbox"/> External loans with state guarantee <input type="checkbox"/> European Union funds <input type="checkbox"/> <b>If yes, the name of the fund (must be selected from the available list)</b> Other funds. <input checked="" type="checkbox"/> <b>X</b>
<i>Attention!</i> <i>! The information filled in this section must be correlated with the information in section III.1.2) "Main methods of financing and payment and/or reference to relevant provisions."</i> <i>! If the contract is co-financed by community funds, "YES" must be checked in the box "The contract is part of a project/program financed by community funds," and "co-financing" should not be checked.</i>
<b>VI.3) OTHER INFORMATION (if applicable)</b>  1. The ESPD related to the award procedure is made available to economic operators, configured by the contracting authority directly in SEAP. Economic operators shall complete the ESPD directly in SEAP with the information/answers regarding whether they fall/do not fall under the exclusion grounds and whether they meet the qualification criteria requested by the contracting authority, taking into account the capacity in which they participate in the award procedure, namely: tenderer, consortium member, subcontractor, supporting third party, as applicable. 2. Requests for clarifications regarding this award documentation shall be submitted exclusively in SEAP within the electronic award procedure. The contracting authority shall not consider requests submitted through any other communication channel. Any interested economic operator has the right to request clarifications or additional information regarding the award documentation no later than 20 days before the deadline set for submission of tenders. Clarifications submitted after this deadline shall be considered only insofar as the contracting authority deems them to be in the interest of the proper conduct of the award procedure. According to Articles 160–161 of Law No. 98/2016, the contracting authority shall provide clear and complete answers to all clarification/additional information requests on the 11th day before the deadline set for submission of tenders. The consolidated response to the requested clarifications shall be published in SEAP. 3. Where the contracting authority requests certain clarifications/completions for the purpose of verifying the tender's compliance with the imposed requirements, the tenderer's response shall be submitted in SEAP only in electronic format, signed with an extended electronic signature. If the tenderer's response is posted in SEAP without an extended electronic signature, the tender shall be treated in accordance with Article 137(2)(j) of Government Decision No. 395/2016 and shall be rejected as inadmissible. During the evaluation process, the contracting authority may request clarifications regarding the documents received from tenderers, and the provisions of Article 136(1) of Government Decision No. 395/2016 shall apply. • Any communication, request, information, notification and similar documents shall be uploaded in SEAP and shall be signed with an extended electronic signature. Requests for clarifications shall be submitted in Romanian, via SEAP, in the section “Clarification Requests/Questions/Communications” within the electronic award procedure, and the answers thereto shall be published in Romanian in SEAP, in the section “Clarification Requests/Questions/Communications” within the contract notice. In order to submit clarification requests, the economic operator must be registered in SEAP ( <a href="http://www.e-licitatie.ro">www.e-licitatie.ro</a> ) as: (i) an economic operator; and (ii) a participant in the award procedure.  The evaluation committee shall send clarification requests regarding the tender, in Romanian, by using the technical functionalities available in SEAP (section “Clarification Requests/Questions/Communications”). Economic operators shall submit the answers to clarifications and any requested documents during the tender evaluation via SEAP (section “Clarification Requests/Questions/Communications”), entirely within the corresponding section of the respective request, in electronic format, as one or more distinct documents/files, signed with an electronic signature in accordance with Law No. 455/2001 on electronic signature. • If, following application of the award criterion “best price–quality ratio”, two or more tenders are ranked first, the contracting authority shall request clarifications for the purpose of submitting by the economic operators ranked first the document(s) containing new values of the offered price (re-tendering / re-offering). Within the re-offering process via SEAP, tenderers are obliged to improve or maintain the initial tender submitted in SEAP. If tenderers do not submit improved tenders, it shall be considered that they have maintained their initial tender. During the evaluation process, the contracting authority may request clarifications regarding the documents received from tenderers, and the provisions of Article 136(1) of Government Decision No. 395/2016 shall apply. <b>4. SIGNING OF THE CONTRACT</b> The Contracting Authority shall inform the economic operators regarding the result of the award procedure in accordance with the legal provisions in force. Regardless of the moment of initiation of the award procedure, before concluding the contract, the contracting authority shall verify compliance with the provisions regarding the commitment of expenditures from budgets subject to public finance legislation. Before concluding the contract, the successful tenderer shall submit the contracts concluded with the subcontractors, where parts of the contract are to be performed by one or more subcontractors. The subcontracting contracts shall include at least

the minimum information required by the Contracting Authority through the Award Documentation, correlated with the subcontracting agreements submitted with the tender, and their value shall be consistent with the declared value. The subcontracting contracts shall mandatorily include an annex in which the successful tenderer and the subcontractor:

- record the option regarding direct payment to the subcontractor, where applicable;
- specify the subcontractor's bank account into which direct payments shall be made, where applicable;
- indicate, for each item of the Financial Proposal Form, the amount related to the subcontracted part for which the subcontractor is designated.

Before concluding the contract, where the successful tenderer is a consortium, it shall be requested to submit the authenticated consortium agreement, in accordance with Article 54(2) of Law No. 98/2016.

After submission of the above-mentioned documents, the successful tenderer shall be informed of the date scheduled for contract signing. The provisions of Article 144 of Government Decision No. 395/2016 shall be taken into account.

**The technical requirements defined in the contract notice, the technical specifications, or other complementary documents, by reference to standards, a certain manufacturer, trademarks, patents, types, origin, or a specific method of manufacture/provision/execution, shall be understood as being accompanied by the wording "or equivalent."**

**Language of the tender: ROMANIAN.**

#### **VI.4) Appeal Procedures**

##### **VI.4.1) Competent body for appeals**

Official name: National Council for Solving Appeals

Address: No. 6, Stavropoleos Str., sector 3

City: Bucharest	Postal code: 030084	Country: Romania
E-mail: <a href="mailto:office@cnscl.ro">office@cnscl.ro</a>	Phone: +4.021 310 46 41	
Internet address (URL): <a href="http://www.cnscl.ro">www.cnscl.ro</a>	Fax: +4.021 310 46 42/+4.021 89 00 745	

##### **The competent authority for the mediation procedures (if applicable)**

Official name:

Address:

City:	Postal code:	Country:
E-mail:	Phone:	
Internet address (URL)	Fax:	

##### **VI.4.2) Use of appeals (fill in section VI.4.2 OR, if applicable, section VI.4.3)**

Specifications regarding the term (s) for exercising the means of appeal:

##### **VI.4.3) The service from which information on the use of appeals can be obtained**

According to the provisions of Law no. 101 of May 19, 2016

Official name: National Institute for Aerospace Research „Elie Carafoli” – I.N.C.A.S Bucharest

Address: Iuliu Maniu Str., No. 220, sector 6

City: Bucuresti	Postal code: 061126	Country: Romania
E-mail: <a href="mailto:incas@incas.ro">incas@incas.ro</a>	Phone: +4.021.434.00.83	
Internet address (URL): <a href="http://www.incas.ro">www.incas.ro</a>	Fax: +4.021.434.00.82	