



PUBLIC PROCUREMENT AGENCY
Sofia 1000 4 Lege Street
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Internet: <http://www.aop.bg>

CONTRACT NOTICE
for public procurement of a value, as envisaged in Article 20, paragraph 3 of
the Public Procurement Act (PPA)

Contract notice number: [] 04-01-330/22.11.2019.

Contracting Authority: [Embassy of the Republic of Bulgaria in Ottawa]
Unit (where applicable): [.....]
Publication in the Public Procurement Register: [5864]
Address: [325 Stewart Street, Ottawa, Ontario, K1N 6K5, Canada]
Contact person (more than one person may be listed): [Georgi Dimitrov]
Telephone: [+1 613 789 3215]
E-mail: [gdimitrov@mfa.bg]
Access to the procurement documentation is restricted: [] Yes [X] No
For more information please contact:
[X] The contact point(s) indicated above:
[] Other address: (please indicate another address)
Submission of documents and tenders via electronic means accepted: [] Yes [X] No

Object of the procurement:
[] Works
[] Supplies
[X] Services
Subject of procurement: ["Selection of real estate brokerage firm for the sale of a real property (residence), located in the city of Ottawa, Canada, on behalf of DM-Ottawa".]
Brief description: [The public procurement is related to the selection of a contractor to provide realtor services for the sale of a real property, located in the city of Ottawa, Canada on behalf of DM-Ottawa. Each tenderer shall make a visual examination of the real property on any business day from ... to ...h, following submission of an application for visual examination according to a standard form at the e-mail address of the contact person, indicated in this contract notice. Bilateral records shall be drawn up in regard to the visual examinations performed.]
A visual examination of the property is mandatory and such may be performed upon prior written request in a standard form to the contracting authority, not later than a day prior to the specified deadline for the submission of tenders.
Place of execution of the said examination: [the address of the real estate: at 190 Lansdowne Road, Rockcliffe Park, Province of Ontario, Canada]
Total estimated procurement value (in BGN, excluding VAT): [75,780 Canadian Dollars. The amount of the estimated value shall not be treated as the maximum acceptable financial resource and the offering of a higher value would not constitute grounds for exclusion of the tenderer.]

Lots (where applicable): Yes No

Lot Number: []

Name: [.....]

Projected value (in BGN, excluding VAT): []

Note: Use this section, as many times as there are lots.

Conditions, which the tenderers must meet (where applicable):

incl.:

1. Requirements regarding personal status:

General

1.1. Any Bulgarian or foreign natural person or legal entity, or any combination thereof, as well as any other entity entitled to perform the procurement contracts, subject of the public procurement procedure under the law of the country in which it is established, may be a participant in this public procurement procedure.

1.2. If the participant is a combination, which is not registered as a separate legal entity, it shall submit a copy of a document showing the legal grounds for establishing the combination, as well as the following information of the specific public procurement procedure:

- the rights and obligations of the participants in the combination;
- the allocation of responsibility among the members of the combination;
- the activities to be performed by each member of the combination;
- designating a partner to represent the combination for the purposes of the public procurement.

No changes are allowed in the composition of the combination after the deadline for submission of tenders.

1.3. The participant in the public procurement procedure shall state in its tender whether it will use subcontractors for the performance of the contract. If any subcontractor(s) is/are to be used, Art. 66 of PPA shall apply. The participant shall indicate the subcontractor and the part of the procurement, which will be awarded to him/her. Where a participant intends to use subcontractors, relevant selection criteria shall apply to them, depending on the type and part of the procurement contract, which they will perform. Pursuant to Art. 66, paragraph 1, the second sentence of PPA, the participant should submit in its tender evidence of the obligations undertaken by the subcontractors, which should unequivocally express the agreement thereof to participate as subcontractors in the performance of the public procurement contract. Subcontractors should have no relatedness with any other participant, and shall fulfil the relevant selection criteria depending on the type and part of the procurement they will perform, and there should be no grounds for their exclusion from the procedure.

1.4. The tenderer may rely on the capacity of third parties, regardless of the legal relation between them, with regard to criteria relating to technical ability and professional competence.

1.4.1. The third parties must meet the relevant selection criteria, for the proving of which the tenderer relies on their capacities, and there should be no grounds for their exclusion from the procedure.

1.4.2. Where the participant relies on the capacities of third parties, the said participant should be in a position to prove that it will have at its disposal the resources of the said third parties by producing documents of the obligations assumed by the third parties, as well as a Statement of

Commitment in free text, completed and undersigned by the respective third party/parties

2. Conditions for tenderers' eligibility

2.1. The circumstances set out in Article 54, paragraph 1 of PPA shall be absent in respect of the tenderers, and prohibited from taking part in the public procurement award procedure shall be a tenderer:

1. who has been convicted by an enforceable sentence for a criminal offence referred to in Article 108a, Articles 159a through 159d, Article 172, Article 192a, Articles 194 through 217, Articles 219 through 252, Articles 253 through 260, Articles 301 through 307, Articles 321, 321a and Articles 352 through 353f of the Criminal Code;

2. who has been convicted by a sentence currently in force for a criminal offence similar to those referred to in item 1 in another Member State or in a third country;

3. who has any obligations for taxes and mandatory social security contributions within the meaning of Article 162, paragraph 2, item 1 of the Tax and Social Insurance Procedure Code and interest thereon, to the State or to the municipality where the contracting authority and the participant or the tenderer have their registered offices, or any similar obligations, under the law of the State where the participant or the tenderer is established, proven by an instrument in force, issued by any competent authority;

4. unequal treatment is present in the cases referred to in Article 44, paragraph 5 herein;

5. who is found:

a) to have produced a document with false content, related to attesting the absence of grounds for exclusion or fulfilment of the selection criteria;

b) who has failed to provide information required in connection with attesting the absence of grounds for exclusion or the fulfilment of the selection criteria;

6. No infringement of Article 61, paragraph 1, Article 62, paragraphs 1 or 3, Article 63, paragraphs 1 or 2, Article 118, Article 128, Article 228, paragraph 3, Article 245 and Articles 301 through 305 of the Labour Code or of Article 13, paragraph 1 of the Labour Migration and Labour Mobility Act, or of similar obligations, stipulated by an instrument of a competent authority pursuant to the legislation of the State where the participant or tenderer is established, was found by an enforceable penal decree or by a court decision;

7. who is in a conflict of interest that cannot be remedied.

✓ **The tenderers shall attest the absence of the circumstances under Article 54, paragraph 1 of PPA with a declaration according to standard forms No. 3 and No. 4**

Important! The grounds pursuant to Article 54, paragraph 1, items 1, 2, and 7 shall refer to the persons, who represent the participant or the tenderer and the members of its management or supervisory bodies according to the register in which the tenderer or candidate, if any, is entered, or the documents certifying its legal personality. When the composition of these bodies includes a legal person, the grounds shall refer to the natural persons who represent it according to the register, in which the legal person is entered, if any, or the documents attesting to its legal personality. Where the tenderer is represented by multiple persons, the declaration of the circumstances under Article 54,

paragraph 1, items 3-6 of PPA shall be signed by the person who is competent to represent the tenderer individually.

2.2. Other grounds for exclusion:

2.2.1. A tenderer in respect whereof the circumstances under Article 3, item 8 apply, in conjunction with Article 5, paragraph 1, item 3 of the Economic and Financial Relations with Companies Registered in Preferential Tax Regime Jurisdictions, the Persons Controlled Thereby and Their Beneficial Owners Act, unless the conditions of Article 4 of the Act are not in place.

✓ To attest to this circumstance the tenderer shall submit a declaration in Standard form No. 5.

2.2.2. A tenderer who does not meet the defined selection criteria or fails to fulfil another condition specified in the public procurement documentation.

2.2.3. A tenderer who has submitted a tender which does not meet the conditions of the procurement announced in advance;

2.2.4. A tenderer who, after invitation by the Contracting Authority and within the deadline defined therein, fails to extend the validity of the tender or submits a tender with shorter validity;

2.2.5. A tenderer whose Price Proposal exceeds the estimated public procurement value.

2.2.6. A tenderer who has not submitted within the deadline the justification referred to in Article 72(1) PPA and whose tender has been rejected in accordance with Article 72(3)-(5) PPA;

2.3. The tenderers should accurately adhere to the conditions announced by the Contracting Authority.

Qualification to practice a professional activity: [Permit or membership in an organization to provide the relevant services in accordance with the legislation of the state, in which the candidate or tenderer is established – Registration in the respective professional or branch register (permits, license, active membership in the respective legitimate branch organization, which regulates the functioning of the real estate brokerage companies, etc.), which must legitimate the right of the potential tenderer to engage in an activity similar to the subject of the procurement to be awarded – a license valid for the Province of Ontario, Canada, issued by the Real Estate Council of Ontario, to provide realtor services for the sale of real properties. The license must be issued to a realtor or to an organization under the direction of a realtor.

To attest to this requirement, the tenderer shall submit a Declaration in free text to certify that the tenderer holds a valid license for performance of real estate brokerage activities for sale of real estate.

Upon request by the Contracting Authority, in pursuance of Article 67, paragraph 5 or paragraph 6 of PPA, the tenderer should be in a position to provide a copy, certified by it, of a valid license for engaging in realtor activity for the sale of real properties, issued by the Real Estate Council of Ontario to a realtor or to an organization under the direction of a realtor.

Upon signing of the contract, the participant shall submit a copy of a License, permit, or membership in an organisation for performance of the respective service in accordance with the legislation of the State of establishment of the candidate or tenderer.

Economic and financial standing: [Not applicable]

Technical and professional ability: [Must have performed activities with subject and volume, identical or similar to the subject of the procurement, in the three years preceding the date of submission of the tender – as a minimum two activities with subject and scope, identical or similar to the subject of the public procurement. Identical or similar activities shall be such related to the sale of real properties, each in the value of at least 1,684,000 Canadian Dollars.

Pursuant to Art. 65, paragraph 1 of PPA the participant may prove the conformity with the requirement for experience under item 1 by referring to the capacity of third parties. In this case it should be proven that:

- he will have at his disposal third parties for participation in the implementation of the procurement by producing a document of the obligations undertaken by the third parties, and - the third parties meet the requirement of experience according to Article 65, paragraph 2 of PPA and for them the grounds for exclusion from the procedure are not present, by producing declarations signed by them according to standard forms Nos. 2, 3, 4 and 11.]

Information concerning reserved procurements (where applicable):

The procurement is reserved for specialized enterprises or co-operatives of handicapped individuals or for persons, whose main goal is social integration of handicapped individuals or of disadvantaged individuals

The fulfilment of the procurement is limited to the framework of programs for sheltered employment

Award criterion:

Optimal quality/price ratio based on:

Price and quality indicators

Costs and quality indicators

Level of costs

Lowest price

Evaluation indicators: (please repeat as many times as necessary)

Name:

Deadline for receipt of the tenders:

Date: (dd/mm/yyyy) [06.12.2019] Hour: (hh:mm) [17:00]

Validity term of the tenders:

Date: (dd/mm/yyyy) [05.03.2020] Hour: (hh:mm) [00:00]

Date and hour of opening of the tenders:

Date: (dd/mm/yyyy) [09.12.2019] 10:30h.

Place of opening of the tenders: [The tenders shall be opened in the Embassy of the Republic of Bulgaria in Ottawa at 325 Stewart Street, Ottawa, Ontario, K1N 6K5, Canada. Representatives of the tenderers may attend the opening of the tenders.]

Information concerning European Union resources:

The public procurement is in connection with a project and/or program, financed by resources from

European funds and programs: Yes No

Identification of the project, where applicable: [.....]

Other information (where applicable): [The estimated procurement value, shown in this Contract Notice, shall be indicative. The actual value of the public procurement shall be the monetary value in Canadian Dollars of the commission rate, indicated in Article 7, paragraph 1 of the public procurement contract, based on the sale price obtained for the real estate, in accordance with the terms of the public procurement contract.
The period of completion of the procurement is 12 months from entering into the public procurement contract.]

Date of this notice
Date: (dd/mm/yyyy) [22.11.2019]

Contracting Authority
Full name: (signature and stamp) [L. LUKINA STOJANOVA-LIPOVSKI]
Position: [Ambassador Extraordinary and Plenipotentiary]