

# PROCUREMENT DOCUMENT

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Supply of Mobile Administra-  
tive Service Centre,  
U-LEAD Round 3

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Reference number:

UA-NIRAS-MB-2020-3.04-2

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**18 SEPTEMBER 2020**

# Contents

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<b>1. General orientation</b>	<b>4</b>
1.1 Purpose and background of the procurement	4
1.2 Description of the procurement	4
1.3 Contract period	5
1.4 Volumes	6
1.5 Options	6
1.6 Appendices	6
<b>2. Administrative terms and conditions</b>	<b>6</b>
2.1. Procurement procedure	6
2.2. Prerequisites for tender submission	6
2.2.1. Submission of the tender	6
2.2.2. The form of the tender	6
2.2.3. The language of the tender	7
2.2.4. Tender submission deadline	7
2.2.5. Period of validity of the tender	7
2.2.6. Variant tenders or alternative tenders	7
2.2.7. Tender guarantee	7
2.3. Clarification, additions, or questions on the procurement document	8
2.4. Notification of award decision	8
2.5. Contract signing	8
2.5. Confidentiality	8
2.6. Examination and evaluation	8
2.7. Contract	9
2.8. Contract terms and conditions	9
<b>3. Requirements for tenderers</b>	<b>10</b>
3.1. Registration in a trade register	10
3.2. Payment of taxes	10
3.3. Economic and financial standing	10
3.4. Criminal convictions	10
3.5. Business integrity	10
3.6. Consultant conflicts of interest	11
3.7. Reference assignments	11
3.7.1. Performance of services/delivery of goods	11
3.8. Quality management	11
3.9. Subcontractors for the implementation of the assignment	12

<b>4. Requirements for goods</b>	<b>13</b>
4.1. Terms of reference	13
<b>5. Tender prices</b>	<b>14</b>
5.1. Price attachments	14
<b>6. Opening and evaluation of tenders</b>	<b>15</b>
6.1. Evaluation method	15

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## 1. General orientation

NIRAS Sweden AB (NIRAS) operates according to the signed framework agreement with the Swedish International Development Cooperation Agency (Sida) for the Ukraine Local Empowerment, Accountability and Development Programme (U-LEAD Programme), round 3.

### 1.1 Purpose and background of the procurement

In compliance with the Delegation Agreement between Sida and the EU Delegation in Ukraine, Sida has the overall responsibility for implementation of the second component of the "U-LEAD with Europe" Programme that aims at improving accessibility to national, regional and local administrative services through establishment of up to 600 Administrative Service Centres (ASCs) across Ukraine, as well as through development of IT solutions that will enhance exchange of data needed for delivery of the services concerned. The U-LEAD Programme has been divided into an inception phase, implemented from October 2016 through April 2018 and a roll-out phase, launched in March 2018.

The key objective of the U-LEAD Programme is to support the creation of the ASCs in the amalgamated territorial hromadas and in the hromadas that are in the process of amalgamation. The Roll-Out Phase carried out in four rounds - each includes cooperation with up to 150 hromadas.

To support creation of the ASCs, the U-LEAD Programme provides the following support:

1. Institutional support of the ASCs: establishment of the ASCs' institutional structure, staff training, raising awareness and citizens participation;
2. Physical support: furniture, office equipment, software, development of the new design of the ASCs;
3. Special types of assistance that include setting up an electronic queue system and a mobile ASC.

As the result of round 3, 134 hromadas were selected by the U-LEAD Programme. NIRAS operates according to the signed contract with Sida for the round 3.

### 1.2 Description of the procurement

#### 1. Scope of Tender

In the framework of the round 3, NIRAS invites interested tenderers to submit a tender proposal for Supplying of Mobile Administrative Service Centres (Mobile ASCs), hereinafter referred to as «goods».

The goods should be purchased for 3 hromada located in 3 region of Ukraine.

The goods should be purchased for 3 hromadas located in 3 regions of Ukraine:

Hromada Code	Hromada name
486	Pidvolochysk
528	Lozova
706	Nemyriv

NIRAS reserves the right to correct the quantities of goods and points of delivery. The actual quantity of goods might be corrected during contract signature and/or during the contract implementation.

## 2. Eligible Tenderers

This procurement is open to all legal entities or natural persons who meet the rule of nationality according to the Practical guide on contract procedures for European Union external action (PRAG). Refer to the link below: <http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.3.1&locale=en>

Tenderers shall not be involved in terrorist act/criminal activities or associated with individuals and/or entities associated with terrorist act/criminal activities. For this purpose, tenderers shall not be included in the prescribed list of individuals and/or entities as contained in the 1267 Committee of the UN Security Council Counter Terrorism Committee.

Tenderers should not be associated, with a firm or any of its affiliates which have been engaged by NIRAS to provide consulting services for the preparation of the design, specifications, and other documents to be used for the procurement of the goods to be purchased under this procurement.

Government-owned enterprises in Ukraine can participate in this procurement only if they are legally and financially autonomous, if they operate under commercial law, and if they are not a beneficiary of NIRAS.

Cognizant with the Ukrainian legislation, the legal entities or natural persons with shareholders, with ties to or registered in the Russian Federation and included in the sanction list adopted by Decree of the President of Ukraine #184/2020 dated 20 of May 2020 are excluded from eligible tenderers.

The legal entities or natural persons who are registered in tax heavens defined by Decree of the Cabinet of Ministers of Ukraine #1045 dated 27 December 2017 and/or #143-p dated 23 February 2011 can be limited in financial transactions by the Financial monitoring Service of Ukraine. As the result such legal entities and natural persons are excluded from eligible tenderers.

Tenderers shall sign as the part of their tenders Letter of compliance in accordance with Appendix VI (Form [5]).

## 3. Eligible Goods and Services

Goods supplied under the contract must originate from an eligible country. When submitting its tender, the tenderer must state expressly that all the goods meet the requirements concerning origin and must state the country(ies) of origin. The list of the eligible countries is specified in Annex A2a of the Practical Guide to contracting procedures for the European Union external actions (PRAG) (is available under the link: <http://ec.europa.eu/europeaid/prag/document.do?nodeNumber=2.3.1&locale=en> )

For purposes of this clause, "origin" means the place where the goods are mined, grown, or produced. Goods are produced when, through manufacturing, processing, or substantial and major assembly of components, a commercially recognized product results that is substantially different in basic characteristics or in purpose or utility from its components.

The origin of goods and services is distinct from the nationality of the tenderer.

### **1.3 Contract period**

The contract period runs for 3,5 calendar months. NIRAS is entitled (though not obligated) to extend the contract once or twice with 3 calendar months respectively, with unaltered terms and conditions. The total contract period shall not exceed 9,5 calendar months.

The contract start date is estimated at: November 2020.

## 1.4 Volumes

During the contract period, the estimated maximum value of procurement is 146 000 EUR, excl. VAT.

The tender price shall not exceed the estimated maximum value of procurement.

No guarantee of obtaining a certain volume is provided.

## 1.5 Options

n/a

## 1.6 Appendices

The procurement document relating to this procurement includes the following appendices:

Appendix I- Terms of Reference

Appendix II- Draft of the contract

Appendix III - Using the SmartME system

Appendix IV – Price and Payments requirements

Appendix V - Tender preparation

Appendix VI - Sample forms

## 2. Administrative terms and conditions

### 2.1. Procurement procedure

The procurement is carried out through an open tendering.

### 2.2. Prerequisites for tender submission

#### 2.2.1. Submission of the tender

The tender shall be submitted electronically via SmartME.

For registration in SmartME, follow the instructions:

- Visit <https://smartme.adalia.fi/supplier/login/U-LEAD> and fill in the registration form
- Confirm your registration by following the instructions sent by email
- Login to SmartME (<https://smartme.adalia.fi/login>) and fill in the tender documents

The tenderer is not entitled to claim compensation for work or other costs associated with participating in the procurement.

#### 2.2.2. The form of the tender

All electronic documents in the tender shall be saved in a commonly used format, i.e. .doc, .docx, .xls, .xlsx, .ppt, .pptx, .pdf, .txt, .jpg and .tif. Use the file format .zip or .rar if it is necessary to send the documents in a compressed form.

The tender shall consist of scanned pages (.pdf format) of the original hardcopy which shall be duly signed by authorized representative of the tenderer and sealed with a company stamp (if applicable) on each page of the tender.

The tender shall include all the documents according to the Appendix V.

References to information in the form of links to web pages and unsolicited attachments will not be considered to constitute part of the tender and will not be taken into account in the review and evaluation of the tender.

### **2.2.3. The language of the tender**

The tender shall be written in English. However, the following may be drafted in Ukrainian:

- Single words, phrases and accepted terms
- Curriculum Vitae (CV)
- Financial statements
- Bank accounts information
- Statute
- Registration documents
- Reference letters
- Testimonials, certifications, or certificates issued by a party other than the tenderer
- Documents issued by parties other than the tenderer, such as technical specifications, product information, or similar information and documents

The successful tenderer should submit to NIRAS translation into English of all documents prepared in Ukrainian together with original hardcopy of the Tender.

If the above-mentioned documents exist only in languages other than the above mentioned languages Ukrainian, then in addition to the document in the original language, a translation into English shall also be attached.

### **2.2.4. Tender submission deadline**

The deadline to submit a tender is 18:00, 19 October 2020 (Kyiv time). Tenders submitted after the submission deadline will be rejected.

### **2.2.5. Period of validity of the tender**

The tender shall be valid until 18 January 2021.

### **2.2.6. Variant tenders or alternative tenders**

Variant tenders or alternative tenders are not permitted. If the tenderer submits provisions or reservations pertaining to the conditions in the procurement document, the tender may be rejected. The tenderer is therefore asked to avoid providing information and attachments that have not been requested.

### **2.2.7. Tender guarantee**

The tenderer shall furnish, as part of the tender, a tender guarantee in the amount of 5% of the estimated volume of procurement defined under pt 1.4.

The tender guarantee shall be denominated in the form of a bank guarantee from a reputable commercial banking institution.

Non-successful tenderers' guarantee will be discharged or returned as promptly as possible but not later than thirty (30) days after the expiration of the period of tender validity.

The successful tenderer's tender guarantee will be discharged upon the tenderer signing the contract.

The tender guarantee may be forfeited:

- if a tenderer withdraws its tender during the period of tender validity; or
- in case of a successful tenderer, if the tenderer fails to sign the contract in accordance with pt 2.5 of this document.

A tender without appropriate tender guarantee shall be rejected as non-responsive.

### **2.3. Clarification, additions, or questions on the procurement document**

If the procurement document is considered to be unclear, or if some of the requirements set forth are unreasonable, abnormally costly or restrictive of competition in any respect, it is important that NIRAS is contacted as soon as possible so that misunderstandings can be avoided.

Requests for clarification shall be submitted through SmartME marked with UA-NIRAS-MB-2020-4.03-2. The deadline for submitting questions is: 18:00, 2 October 2020 (Kyiv time).

Responses to questions will be posted through SmartME and will be accessible for all registered tenderers in SmartME. Published questions and answers, as well as any clarifications and additions submitted during the tender period, constitute part of the procurement document.

NIRAS is under no obligation to request additions or clarifications from the tenderers, and the opportunities for correcting shortcomings in submitted tenders are limited and depend on the nature of the deficiency. It is therefore important that the tenderer ensures that all requested information and documents are provided in the tender.

### **2.4. Notification of award decision**

Notification of award decision will be sent to the tenderers' contact persons on the address stated in the tender.

Unsuccessful tenderers can submit a complaint to NIRAS through SmartME within 5 (five) working days upon the receipt of notification of award decision.

### **2.5. Contract signing**

NIRAS will sign the contract with successful tenderer not earlier than 5 (five) working days after the notification of award decision.

The successful tenderer should return the signed contract to NIRAS within 5 (five) days of receipt of the contract by tenderer.

The original hardcopy of the tender together with the proof from the successful tenderer that the reference assignments have been implemented to the full satisfaction of the client (as per pt. 3.7) should be delivered to NIRAS together with the signed contract.

### **2.6. Confidentiality**

As soon as the award decision has been sent to all tenderers, all documents relating to the procurement, including tenders, become subject to the principle of public access to official documents. If a tenderer considers that it may suffer damages if information provided in the tender should become public, the tenderer shall, together with the tender, submit a written request for confidentiality containing a) the information to which the request for confidentiality pertains and b) what economic damages the tenderer would be suffered if the information should be disclosed.

Upon request for disclosure of tender documents, NIRAS on behalf of Sida (see 1. General orientation) will in each case review any request for confidentiality submitted by a tenderer. NIRAS may reach a decision that a request for confidentiality cannot be met, in part or in full. Furthermore NIRAS's assessment regarding confidentiality may be appealed to the administrative court. NIRAS can therefore not guarantee that the information in the tender will not be revealed to the public.

### **2.7. Examination and evaluation**

The contract will be awarded to the most economically advantageous tender, as determined according to the following basis:



Best price-quality ratio.

The examination and evaluation of submitted tenders will be carried out in steps (described below), on the basis of the information provided in the tender, together with the supplementary documents.

NIRAS reserves the right to request original hardcopies of all the documents specified in Appendix V during the examination and evaluation of submitted tenders.

### **Reverse evaluation**

NIRAS will conduct a simplified reverse evaluation whereby the tenders are evaluated first. Only the winning tender will in such case proceed to evaluation of the tenderer's qualifications and eligibility. In this case the examination and evaluation process will follow the following steps:

#### **Step 1 – Evaluation**

In Step 1, the tenders are evaluated in accordance with the evaluation methodology, as set forth in Section 6 "Opening and evaluation of tenders." The tenderer scoring the highest number of points (hereinafter - the highest ranked tenderer) will advance to Step 2.

#### **Step 2 – Examination of tenders**

In the second step, NIRAS will examine whether the tender of the highest ranked tenderer is complete and whether the requirements outlined in Section 2 "Administrative terms and conditions" are met. If the tender meets these requirements, it will advance to Step 3; otherwise, the same examination will be done for the second highest ranked tenderer in Step 1.

#### **Step 3 – Qualification of tenderers**

In Step 3, NIRAS will examine whether the requirements set forth in Section 3 "Requirements for tenderers" are fulfilled for the tenderer that has passed Steps 1 and 2. If the tender meets these requirements, it will advance to Step 4; otherwise, the same examination (Steps 2 and 3) will be done for the next highest ranked tenderer in Step 1.

#### **Step 4 – Examination of the object of the procurement**

In Step 4, NIRAS will examine whether the requirements set forth in Section 4 "Requirements for Goods" are fulfilled for the tenderer that has passed Steps 1, 2 and 3. If the tender meets these requirements, a contract will be awarded to this tenderer. Otherwise, the same examination (Steps 2, 3 and 4) will be done for the next highest ranked tenderer in Step 1.

A contract will be awarded to the highest ranked tenderer that has passed the Steps 2, 3 and 4.

## **2.8. Contract**

In this procurement, a contract will be drawn up with a supplier in which all terms and conditions are laid out.

## **2.9. Contract terms and conditions**

The tenderer shall accept the attached contract draft, including appendices.

## 3. Requirements for tenderers

### 3.1. Registration in a trade register

The tenderer shall be registered in a company, trade or association register or a corresponding register used by the country in which the tenderer's business is located.

The tenderer shall in its tender provide documentation attesting compliance with respect to registration in a register that is equivalent to the Swedish Register of Companies or trade register, or a similar register.

### 3.2. Payment of taxes

Tenders shall be registered for either VAT or single tax or both.

The tenderer shall in its tender provide documentation issued by a competent government authority attesting to compliance with respect to the payment of taxes and social security contributions in the home country of the tenderer and of any subcontractors on which the tenderer relies or consortium parties.

### 3.3. Economic and financial standing

The tenderer shall have such an economic and financial standing that it can maintain a long-term agreement.

The prerequisites for this are the following indicators:

- the total income for last fiscal year 2019 shall be at least twice greater than expected volume of procurement (pt 1.4);
- the total income for each of the two years preceding the last fiscal year shall be not less than expected volume of procurement (pt 1.4);
- tenderer should have a positive financial result (net profit) for the last fiscal year.

Any newly started company shall demonstrate that it has a stable financial position by submitting documentation proving its share capital or equivalent, income or balance sheets with last adopted financial statements, and should meet the following indicators:

- the tenderer shall, in the last adopted financial statement, have current assets equal to or larger than not less than expected volume of procurement (pt 1.4).

### 3.4. Criminal convictions

By participating in this procurement, the tenderer confirms that it or any person who is a member of its administrative, management or supervisory body or has powers of representation, decision or control therein, its subcontractors or consortium partners has not been subject to conviction by final judgment for; a) participation in a criminal organisation, b) corruption, c) fraud, d) terrorist offences or offences linked to terrorist activities, e) money laundering or terrorist financing, or f) child labour and other forms of trafficking, by a conviction rendered at the most five years ago or in which an exclusion period set out directly in the conviction continues to be applicable.

### 3.5. Business integrity

NIRAS has a zero-tolerance policy to corruption, tax evasion and fraud, as well as to any form of modern slavery, discrimination and harassment. NIRAS requires that all tenderers, manufacturers, suppliers or distributors, observe NIRAS' Business Integrity and Ethics Policy as presented on NIRAS' website <http://niras.com/about-niras/corporate-social-responsibility/>.

In this respect, no offer, payment, promotion, or any benefit, which constitutes illegal or corrupt practices, shall be made, either directly or indirectly, as an inducement or reward in relation to (a) tender, (b) the tender contract, or (c) the execution of the tender contract. Any such event is defined grounds for the immediate cancellation of the tender contract and for such additional actions, civil and/or criminal as may be appropriate.

NIRAS requires that all tenderers fill and sign, as the part of their tenders, Letter of compliance to NIRAS' Business Integrity and Ethics Policy (Appendix VI, Form-5).

### **3.6. Conflict of interest**

If NIRAS is using an external consultant for the formulation of this procurement document (or for other preparatory work prior to this procurement) and the consultant also plans to submit a tender in the procurement, improper competitive advantages may arise. A consultant who has been engaged for the formulation of this procurement document or other preparatory work may therefore be excluded from submitting a tender in this procurement. This applies regardless of whether the consultant was hired by NIRAS or if the consultant participated as a subconsultant.

### **3.7. Reference assignments**

#### **3.7.1. Performance of services/delivery of goods**

According to the scope and nature of this procurement eligible reference assignment is a contract, performed during last three years, that covers all of 2 (two) criteria below:

1) Delivery and installation of similar goods: at least 1 (one) equipped vehicle for provision of services in mobile mode was supplied;

and

2) Delivery and installation of goods with similar volumes: the total value of contract was at least 45 000 EUR.

The tenderer shall submit at least one reference assignments carried out in the past three years, and which correspond to the nature and scope of this procurement. The reference should demonstrate/confirm that the tenderer has carried out assignments that correspond to the nature and scope of the procurement in question.

The tenderer shall submit a description that contains information regarding the following:

- The scope of the assignment, a short description of the assignment that includes e.g. the contract value and the number of people involved.
- The implementation date, whether the assignment has been completed or is ongoing (incl. the date on which the assignment was completed, if applicable).
- Results or "output" of the assignment.
- Contact information for the reference person (the company/organisation, contact person (name, title and role in relation to the reference project), telephone number, e-mail address).

The tenderer is encouraged to contact the reference person to inform them of their role as referee, and also to ensure that the contact details are valid. NIRAS reserves the right to contact the reference persons to verify the submitted information. NIRAS will try to contact the referee during working hours, once by email and three times via telephone. If no contact is made, the reference assignment is deemed invalid and the tender is rejected.

NIRAS will require further proof from the successful tenderer that the reference assignments have been implemented to the full satisfaction of the client. Such proof may be in the form of a copy of the signed contract, a second referee from the client, etc. NIRAS decides, on its own discretion, whether the supplied proof is deemed adequate.

### **3.8. Quality management**

The tenderer shall have a quality management system in place for its operations. This management system shall, as a minimum, include and describe the following:

1. Routines for the professional development of affected staff.
2. Routines for the handling of deviations and complaints.
3. Routines for audits of the quality assurance system.

The tender shall include a description of the management system sufficiently detailed to demonstrate that points 1 to 3 (above) are fulfilled. The tenderer may also demonstrate that the requirement is fulfilled by submitting certification in accordance with EN ISO 9001, or an equivalent standard that includes the above-mentioned procedures.

### **3.9. Subcontractors for the implementation of the assignment**

The term "subcontractor" refers to any contractor that acts in the contract supplier's stead to provide parts of the contract. The subcontractor provides goods or services that are *directly related to the object of the procurement*, and the delivery of which are absolutely necessary in order for the contract supplier to uphold its end of the contract. Contractors which supply various goods and services to the contract supplier are not to be considered as subcontractors.

If subcontractors are to be hired by the tenderer, then the complete name and company registration number of the subcontractor(s) must be provided. Furthermore, it should be clear which duties the subcontractor will perform, as well as how the tenderer will make use of the resources of the subcontractor that are necessary to the accomplishment of the contract.

The contract supplier has the same responsibility for the work of the subcontractor as it does for its own work. The contract supplier is also responsible for ensuring that the subcontractor adheres to the requirements, criteria, and conditions set forth in the contract.

At the request of NIRAS, a tenderer that hires a subcontractor must (by providing a certificate or a copy of the signed cooperation agreement) demonstrate a cooperative working relationship with the subcontractor that applies throughout the contract period, including any extensions.

## 4. Requirements for Goods

The tenderer shall confirm the ability to perform the contract not later than 120 calendar days after the date of contract signature (Appendix VI Form-3).

The contract is performed when all the following requirements are met:

- all the goods are delivered to the delivery points;
- all the services have been provided;
- all the documents (certificates, invoices, etc - according to the contract requirements) have been delivered to NIRAS office.

All the requirements of the Terms of reference in Appendix I are mandatory. Failure to comply with the requirements or failure to provide correct and relevant information by the tenderer may cause a rejection of the submitted tender.

NIRAS has signed Partnership Agreements (hereafter - PA) with each hromada of round 3 included in the Appendix I.5. PAs define the quantities of goods to be delivered to each hromada and the schemes of goods location in hromada premises.

### 4.1. Terms of reference

The tenderer shall accept the prerequisites for the implementation of the assignment, which are presented in Appendix I – Terms of reference.

## 5. Tender prices

The goods and services to be supplied are destined to International technical assistance project registered with the Ministry of Economic Development and Trade of Ukraine (registration card #3722-02 26/03/2019) and are therefore exempted from the Value Added Tax (VAT).

Prices, fees and costs shall be expressed in EUR, excl. VAT, but including all other applicable taxes and charges.

Prices quoted by the tenderer shall be fixed and not subject to variation on any account during execution of the contract. A tender submitted with an adjustable price quotation will be treated as non-responsive and will be rejected.

### 5.1. Price attachments

All costs/prices shall be specified in Appendix VI. The costs shall be defined according to the Form-3.

Arithmetical errors will be rectified on the following basis:

- If there is a discrepancy between the unit price and the total price that is obtained by multiplying the unit price and quantity, the unit price shall prevail, and the total price shall be corrected.
- If there is a discrepancy between words and figures, the amount in words will prevail.

## 6. Opening and evaluation of tenders

NIRAS shall open all tender proposals promptly after the deadline for tender submission (pt. 2.2.4).

The evaluation of tenders will be carried out on the following basis:

Best price-quality ratio.

### 6.1. Evaluation method

#### Percentage weighting

The evaluation will be conducted on the basis of the following award criteria: offered price (total price of tender in Form-3) and payment terms (advance payment in Form-3).

Tenders will be evaluated using the scale defined below :

	Criteria	Weight
A	Offered price	80
B	Payment terms	20
	<b>Total weight, % (sum of A-B)</b>	<b>100</b>

The total number of points of each tenderer will be calculated according to the following formula:

**Total number of points of tenderer N = Offered price of tenderer N (1) + Payment terms of tenderer N (2)**

- Offered price is calculated according to the following formula:

$$\text{Offered price of tenderer } N = \left( \frac{\text{Lowest Price}}{\text{Total Price of tenderer } N} \right) \times A$$

where:

- A- weight of "Offered price";
- Lowest price – the lowest price within all accepted tenders;
- Total price of tenderer N – the total offered price by tenderer N.

- Payment terms points are calculated according to the following formula

$$\text{Payment terms tenderer } N = \left( \frac{AP \text{ max} - AP \text{ tenderer } N}{AP \text{ max} - AP \text{ min}} \right) \times B$$

where:

- AP max – maximum acceptable level of advance payment in % (equals to 20%);
- AP min – minimum acceptable level of advance payment in %, equals to 0%;
- AP tenderer N – proposed advance payment of tenderer N in %, shall be between AP min and AP max;
- B –weight of "Payment terms".

The tender scoring the highest number of points will be deemed to have the best price-quality ratio.

**Evaluation example**

	Criteria	Weight
A	Offered price	80
B	Payment terms	20
	<b>Total weight, % (sum of A-B)</b>	<b>100</b>

Maximum acceptable level of advance payment (AP max) is 20%.

Tender A: price of 100 000 EUR, advance payment of 10%.

Tender B: price of 80 000 EUR, advance payment of 20%.

**Evaluation Tender A:**

1. Offered price=  $(80\ 000/100\ 000)*80\%=64$  points
2. Payment terms:  $(20-10)/(20-0)*20\%=10$  points

The total score obtained by tenderer A is 74 out of 100 points (64+10).

**Evaluation Tender B:**

1. Offered price=  $(80\ 000/80\ 000)*80\%=80$  points
2. Payment terms:  $(20-20)/(20-0)*20\%=0$  points

The total score obtained by tenderer B is 80 out of 100 points (80+0).

The winning tender is B, since it has the highest number of points and is deemed to have the best price-quality ratio.