Ref. Ares(2023)6071821 - 07/09/2023

VOLUME 2

SECTION 1
CONTRACT FORM

WORKS CONTRACT FOR EUROPEAN UNION EXTERNAL ACTIONS

NO. TR14WKS301

FINANCED FROM THE GENERAL BUDGET OF THE UNION

Between

Ministry of Transport and Infrastructure, Directorate General for European Union Affairs and Foreign Relations, Department of European Union Investments, with its office at Hakkı Turayliç Cad. No.5, B Blok, Kat: 10, Emek 06490 Ankara, Türkiye represented for its part by Mr. Burak AYKAN, Head of Operating Structure

("The contracting authority"),

of the one part,

and

<Full official name of contractor>
[<Legal status/title>][1]
[<Official registration number>][2]
<Full official address>
[<VAT number>][3],

("the contractor")

of the other part,

have agreed as follows:

PROJECT

Sustainable Urban Mobility for Trabzon

CONTRACT TITLE

Works for Bicycle Road in Trabzon

Identification number : NEAR/ANK/2023/EA-LOP/0171

Whereas the contracting authority would like the contractor to carry out the following works:

Construction of Works for Bicycle Road in Trabzon
and has accepted a tender by the contractor for the execution and completion of such works and the remedying of any defects therein.

[1] Where the contracting party is an individual.
[2] Where applicable.
[3] Except where the contracting party is not VAT registered.

It is hereby agreed as follows:

(1) In this contract, words and expressions shall have the meanings assigned to them in the contractual conditions set out below.

(2) The following documents shall be deemed to form and be read and construed as part of this contract, in the following order of precedence:

(a) the Contract,
(b) the Special Conditions,
(c) the General Conditions,
(d) the Bill of quantities (after arithmetical corrections),
(e) the Technical Specifications
(f) the Design documentations and Drawings,
(g) the Tender,
(h) any other documents forming part of the contract.

The various documents making up the contract shall be deemed to be mutually explanatory; in cases of ambiguity or divergence, they shall prevail in the order in which they appear above. Addenda shall have the order of precedence of the document they are amending.

(3) In consideration of the payments to be made by the contracting authority to the contractor as hereinafter mentioned, the contractor undertakes to execute and complete the works and remedy defects therein in full compliance with the provisions of the contract.

(4) The contracting authority hereby agrees to pay the contractor in consideration of the execution and completion of the works and remedying of defects therein the amount of:

- Contract price (excluding VAT/other taxes) EUR..... <amount>

  The EU component ……...……. EUR[4]<amount>

  The TR component ……...…… EUR <amount>

- Contract price EUR..... <amount in words>

or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the contract. VAT will be paid in compliance with the binding regulations, national law and international agreements concerning the execution of the project. VAT and other taxes shall not be paid on the funds originating from EU funds.

(5) Other specific conditions applying to the contract

For the purpose of Article 72 of the general conditions, for the part of the data transferred by the contracting authority to the European Commission:

(a) the controller for the processing of personal data carried out within the Commission is the head of contracts and finance unit R4 of DG Neighbourhood and Enlargement Negotiations.

(b) the data protection notice is available at

http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A.

Tax and Customs Arrangements

The contract is, as a rule, exempt from all taxes and duties, including value added tax (VAT) and Special Consumption Tax (SCT), Motor vehicle tax, Special communication tax, and/or taxes of equivalent effect, stamp or registration duties, special charges or any other charge having

[4] In the event of cofinancing, the EU-contribution must normally be entered as a lump sum in euro.

equivalent effect, pursuant to the provisions of Articles set out in the Framework Agreement[5] signed between the Republic of Türkiye (hereinafter will be referred " Türkiye") and the EU in 2015, extract of Article 27 & 28 of which are provided in the Annex.

The Contractor shall accordingly complete the necessary formalities with the relevant authorities to ensure that the goods and/or services and/or works and/or grant activities required for performance of the Contract are exempt from taxes, customs, import duties, levies and/or taxes of equivalent effect, and stamp or registration duties or special charges or any other charge having equivalent effect in accordance with the rules that are set in the Annex. Any matter not covered by the below provisions on tax and customs arrangements shall remain subject to the national legislation of Türkiye.

In witness whereof the parties hereto have signed the contract. This contract shall take effect on the date on which it is signed by the last party, namely the contractor.

Done in English in three originals, one original for the contracting authority, one original for the European Commission, and one original for the contractor.

For the contractor	**For the contracting authority**
Name:	Name:
Title:	Title:
Signature:	Signature:
Date:	Date:

Endorsed for financing by the European Union

Name:

Title:

Signature:

Date:

[5]This is an extract of Article 27 and 28 of the IPA Framework Agreement signed between Türkiye and the European Union Commission on 11.02.2015, and adopted as law by Turkish Parliament (no: 6647) on 04 April 2015 and which was published in the Turkish Official Gazette on 28 April 2015, no: 29340. It has been put into force by Government Decree, no 2015/7708 that was published in Official Gazette no: 29393, dated 21 June 2015 and government Decree, no 2015/8085 that was published in Official Gazette (complementary version, no: 29459, dated 28.08.2015. Please, also refer to the Framework Agreement (accessible via https://www.ab.gov.tr/files/ipaii_framework_agreement_original.pdf), and the Communiqués issued by:
- The Ministry of Treasury and Finance (the MoTF) thereto for further information, especially for exemption scope and implementation procedure, which are available at the MoTF's website at: http://www.gib.gov.tr/uluslararasi_mevzuat,
- The Ministry of Trade (MoT) thereto for further information, especially for facilities extended for customs clearance, which is available at the MoT's website at: http://www.resmigazete.gov.tr/eskiler/2017/10/20171007-9.htm - Ab Katılım Öncesi Yardım Aracı, published in the Official Gazette of Türkiye, No: 30203, on 07.10.2017.