Ref. Ares(2021)7570272 - 08/12/2021

B. DRAFT CONTRACT AND SPECIAL CONDITIONS, INCLUDING ANNEXES

DRAFT CONTRACT

SUPPLY CONTRACT FOR EUROPEAN UNION EXTERNAL ACTIONS

No TR14SPL301

FINANCED FROM THE GENERAL BUDGET OF THE UNION

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, 06490 Emek, Çankaya, Ankara, Turkey 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
CONTRACT TITLE
Supply of Equipment for SMART Ankara

Identification number NEAR/ANK/2021/EA-OP/0176

Article 1 Subject

1.1 The subject of the contract shall be supply, delivery, unloading, siting and installation, commissioning, design and delivery of relevant trainings of the following supplies:

[1] Where the contracting party is an individual.

[2] Where applicable. For individuals, mention their ID card or passport or equivalent document – number.

[3] Except where the contracting party is not VAT registered.

Lot 1: Smart Bicycle System

Item	Description	Quantity	Delivery to (DDP)	Implementation period
1.1	Electric bicycle	408	Yeni Batı Mahallesi Şehit Kaymakam Muhammed Fatih Safitürk Bulvarı No: 92 A-B-C Yenimahalle/Ankara	210 days
1.2	SBS station	34	Ankara at locations of SBS stations according to enclosed Appendix 1	210 days
1.3	Customized fleet management software	1	Yeni Batı Mahallesi Şehit Kaymakam Muhammed Fatih Safitürk Bulvarı No: 92 A-B-C Yenimahalle/Ankara	210 days
1.4	Bicycle counter with LCD display	8		210 days

Lot 2: Auxiliary equipment for bicycle

Item	Description	Quantity	Delivery to (DDP)	Implementation period
2.1	Bicycle rack for busses	480	EGO Genel Müdürlüğü 2. Bölge Otobüs İşletme Şube Müdürlüğü, 296. Cadde Macunköy Metro İstasyonu karşısı, Yenimahalle/ Ankara	120 days
2.2	Bicycle ramp for metro stations	1290 (m)	Ankara at locations of metro stations according to enclosed Appendix 2 and Appendix 3	120 days

Lot 3: Bicycle carriage vehicle

Item	Description	Quantity	Delivery to (DDP)	Implementation period
3.1	Bicycle carriage vehicle	2	Yeni Batı Mahallesi Şehit Kaymakam Muhammed Fatih Safitürk Bulvarı No: 92 A-B-C Yenimahalle/Ankara	60 days

Lot 4: IT equipment

Item	Description	Quantity	Delivery to (DDP)	Implementation period
4.1	Laptop	8	Yeni Batı Mahallesi Şehit Kaymakam Muhammed Fatih Safitürk Bulvarı No: 92 A-B-C Yenimahalle/Ankara	60 days
4.2	Mini projection device	2		60 days

The delivery address "see as above" DDP[4] and,

[4] 4 DDP (Delivered Duty Paid) — Incoterms 2020 International Chamber of Commerce http://www.iccwbo.org/incoterms/

For Lot 1: The implementation period will last 210 calendar days:

Starting from the commencement of the Contract and ending on the day of issuance of Provisional Acceptance Certificate, the implementation period will include:

For Item 1.1:

- The prototype of the bicycle shall be provided by the contractor within 30 calendar days after the commencement of the contract,
- The Contracting Authority will confirm the prototype of the bicycle within 10 calendar days,
- Delivery and installation to designated location, assembling and connection to main supply and removal of packing materials from site within 110 calendar days,
- Commissioning and training within 30 calendar days,
- Issuance of Provisional Acceptance Certificate within 30 calendar days.

For Item 1.2:

- The detailed design of Item 1.2 shall be provided by the contractor within 15 calendar days after the commencement,
- The Contracting Authority will confirm detailed design within 15 calendar days,
- Delivery and installation to designated location, assembling and connection to main supply and removal of packing materials from site within 120 calendar days,
- Commissioning and training within 30 calendar days,
- Issuance of Provisional Acceptance Certificate within 30 calendar days.

For Item 1.3:

- Delivery, installation and connection to designated location within 150 calendar days,
- Commissioning and training within 30 calendar days,
- Issuance of Provisional Acceptance Certificate within 30 calendar days.

For Item 1.4:

- Delivery and installation to designated location within 150 calendar days,
- Commissioning and training within 30 calendar days,
- Issuance of Provisional Acceptance Certificate within 30 calendar days.

All items from the Lot 1 should function in integrated way as a system.

For Lot 2: The implementation period will last 120 calendar days:

Starting from the commencement of the Contract and ending on the day of issuance of Provisional Acceptance Certificate, the implementation period will include:

- Delivery and installation to designated location, unpacking, assembling and removal of packing materials from site within 60 calendar days,
- Commissioning and training within 30 calendar days,
- Issuance of Provisional Acceptance Certificate within 30 calendar days.

For Lot 3: The implementation period will last 60 calendar days:

Starting from the commencement of the Contract and ending on the day of issuance of Provisional Acceptance Certificate, the implementation period will include:

- Delivery to designated location within 30 calendar days,
- Commissioning and training within 15 calendar days,
- Issuance of Provisional Acceptance Certificate within 15 calendar days.

For Lot 4: The implementation period will last 60 calendar days:

Starting from the commencement of the Contract and ending on the day of issuance of Provisional Acceptance Certificate, the implementation period will include:

- Delivery and installation to designated location within 30 calendar days,
- Commissioning and training within 15 calendar days,
- Issuance of Provisional Acceptance Certificate within 15 calendar days.

1.2 The contractor shall comply strictly with the terms of the special conditions and the technical annex.

Article 2 Origin

The rules of origin of the goods are defined in Article 10 of the special conditions.

A certificate of origin for the goods must be provided by the contractor at the latest when it requests provisional acceptance of the goods. Failure to comply with this condition may result in the termination of the contract and/or suspension of payment.

Article 3 Price

3.1 The price of the supplies shall be that shown on the financial offer (specimen in Annex IV). The total maximum contract price shall be EUR <insert price>.

3.2 Payments shall be made in accordance with the general and/or special conditions (Articles 26 to 28).

Article 4 Order of precedence of contract documents

The contract is made up of the following documents, in order of precedence:

- the contract agreement;
- the special conditions
- the general conditions (Annex I);
- the technical specifications (Annex II [including clarifications before the deadline for submission of tenders and minutes from the information meeting/site visit];
- the technical offer (Annex III including clarifications from the tenderer provided during tender evaluation);
- the budget breakdown (Annex IV);
- specified forms and other relevant documents (Annex V);

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.

Article 5 Other specific conditions applying to the contract

For the purpose of Article 44 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 equivalent effect, pursuant to the provisions of Articles set out in the Framework Agreement5 signed between the Republic of Turkey (hereinafter will be referred "Turkey") 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 Turkey.

Done in English in three originals, one original being for the contracting authority, one original being for the European Commission, and one original being 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 Turkey 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 Turkey, No: 30203, on 07.10.2017.