Ref. Ares(2023)445700 - 20/01/2023

B. DRAFT CONTRACT AND SPECIAL CONDITIONS, INCLUDING ANNEXES

DRAFT CONTRACT

SUPPLY CONTRACT FOR EUROPEAN UNION EXTERNAL ACTIONS

No TR14SPL304

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, 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

Kahramanmaraş Sustainable Urban Mobility Plan (SUMP-Kahramanmaraş)

CONTRACT TITLE
Supply of Equipment for SUMP - Kahramanmaraş

Identification number NEAR/ANK/2023/EA-OP/0005

[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.

Article 1 Subject

1.1 The subject of the contract shall be:

the supply, delivery, unloading, siting and installation, commissioning, design and delivery of relevant trainings of the following supplies:

Lot 1:

ITEM	DESCRIPTION	QUANTITY	Delivery to (DDP)	Implementation period
1.1	Electric bicycle	100	İsmetpaşa Mah. Azerbaycan Bulv. No: 25 Dulkadiroğlu Kahramanmaraş, Türkiye	210 days
1.2	Bicycle battery	200	İsmetpaşa Mah. Azerbaycan Bulv. No: 25 Dulkadiroğlu Kahramanmaraş, Türkiye	210 days
1.3	Bicycle battery charger	100	İsmetpaşa Mah. Azerbaycan Bulv. No: 25 Dulkadiroğlu Kahramanmaraş, Türkiye	210 days
1.4	Bicycle parking rack	57	Kahramanmaraş at locations of parking areas according to enclosed Appendix-1	210 days
1.5	Parking sign	57	Kahramanmaraş at locations of parking areas according to enclosed Appendix-1	210 days
1.6	Fleet management software	1	İsmetpaşa Mah. Azerbaycan Bulv. No: 25 Dulkadiroğlu Kahramanmaraş, Türkiye	210 days

The place of acceptance of the supplies shall be Kahramanmaraş as described above, the time limits for delivery shall be as specified Article 19 of the Special Conditions and the Incoterm applicable shall be DDP[4]. The implementation period of tasks shall run from the next day following the date of the signature of the contract by both parties and shall end on the date of issuance of the Certificate for Provisional Acceptance.

[4] <DDP (Delivered Duty Paid)>/<DAP (Delivered At Place)> - Incoterms 2020 International Chamber of Commerce - http://www.iccwbo.org/incoterms/

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.

When required, 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 https://wikis.ec.europa.eu/display/ExactExternalWiki/ePRAG

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

Agreement[5] 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

[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.

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: