International Procurement Instrument (IPI) measures

Pursuant to EU Regulation 2022/1031 on the International Procurement Instrument ('IPI'), the European Commission may adopt measures known as "IPI measures" which affect Tenderers from third countries[1]. Contracting Authorities are obliged to follow any IPI measure that has been put in place by the European Commission.

Where an IPI measure applies to this Competition (having regard to the estimated value of the contract[2], the scope of application of the IPI measure, or the date on which the IPI measure was made[3]), LCCC may be obliged to give effect to that IPI measure by way of:

a) Imposing a score adjustment on a Tenderer which originates in a country which is subject to an IPI measure;

b) Excluding a Tenderer which originates in a country which is subject to an IPI measure; and/or

c) Such other steps as may be determined by the European Commission and set out in the relevant IPI measure.

Where the Instructions to Tenderers state that this Appendix 8 applies to the Competition, Tenderers are obliged to declare in their Tender Submission whether they originate in a country which is subject to an IPI measure. LCCC may also seek information from Tenderers, should it deem appropriate to do so, to ascertain the country of origin of any Tenderer (pursuant to the rules on determining origin set out in Regulation 2022/1031) for the purposes of verifying whether it is subject to an IPI measure.

Where the contract is awarded to a Tenderer originating in a country which is subject to an IPI measure, the following provisions shall apply:

i) the successful Tenderer may not subcontract more than 50% of the total value of the contract to economic operators originating in a country which is subject to an IPI measure;

ii) for contracts whose subject matter covers the supply of goods, the successful Tenderer shall ensure for the duration of the contract that goods or services supplied or provided in the execution of the contract and originating in the third country which is subject to the IPI measure represent no more than 50 % of the total value of the contract, irrespective of whether such goods or services are supplied or provided directly by the successful tenderer or by a subcontractor;

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[1] Third country means countries that are not in either the EU, the World Trade Organisation GPA, or that do not have a bilateral or multilateral treaty with the EU with regard to procurement. A Tenderer's origins are determined as follows:

a) For natural persons, the country of which they are a national, or where they have a right of permanent residence.
b) For legal persons, the country under the laws of which the legal entity is constituted or otherwise organised and in the territory of which the legal person is engaged in substantive business operations.
c) For legal persons who are not engaged in substantive business operations in the country in which they are constituted or organised, the country of origin is that of the person/persons who directly or indirectly have a dominant influence over the economic operator by virtue of ownership, financial participation or the governing rules of the economic operator. A dominant influence is presumed where a person or persons holds the majority of the economic operator's subscribed capital, controls the majority of the votes attaching to issued shares, or can appoint more than half of the administrative, supervisory or management body.
d) Where a tenderer is a group or consortium and at least one of the members of the group or consortium originates from a country which is subject to an IPI measure, the IPI measure shall apply to the whole group or consortium. This will not be the case where the participation of the entity subject to the IPI amounts to less than 15% of the value of the tender submitted by the group or consortium, save where the entity subject to the IPI measure is necessary to fulfil the majority of at least one selection criterion.

[2] Where the estimated value of the contract is above €5m (Services) and €15m (Works).

[3] Relevant IPI measures are those which were in force at the time the competition was launched.

iii) the successful Tenderer shall provide to LCCC upon request adequate evidence corresponding to point (i) or (ii), at the latest upon completion of the execution of the contract;

iv) the successful Tenderer will be obliged to pay a proportionate charge, in the event of no observance of the obligations referred in point (i) or (ii), of between 10 % and 30 % of the total value of the contract.

v) LCCC may, on an exceptional basis, decide not to apply an IPI measure where:

(a) Only Tenderers originating in countries subject to an IPI measure meet the tender requirements; or

(b) Justified for overriding reasons relating to the public interest.

Declaration regarding the International Procurement Instrument

To:	Limerick City & County Council [Mid West National Road Design Office, Lissanalta House, Dooradoyle, Limerick, V94 H5RR]
Regarding:	Foynes to Limerick Road (Including Adare Bypass) Croagh to Rathkeale Design & Construction Contract
Date:	[Date]

A Dhaoine Uaisle,

I declare that where in these Instructions states that Appendix 8 applies to this Competition, the Tenderer does not have its origin in a third country which is subject to an IPI measure, or to the extent that the Tenderer does have its origin in such a country, I have provided details below.

[State details]

Is sinne, le meas

……..……..
[Signature of Tenderer's Authorised Representative]
Title / Role