ANNEX II: TERMS OF REFERENCE

1. BACKGROUND INFORMATION 2

1.1. Partner country 2

1.2. Contracting authority 2

1.3. Country background 2

1.4. Current situation in the sector 2

1.5. Related programmes and other donor activities 2

2. OBJECTIVES & EXPECTED OUTPUTS 2

2.1. Overall objective 2

2.2. Specific Objective(s) 3

2.3. Expected outputs to be achieved by the contractor 3

3. ASSUMPTIONS & RISKS 3

3.1. Assumptions underlying the project 3

3.2. Risks 3

4. SCOPE OF THE WORK 3

4.1. General 3

4.2. Specific work 4

4.3. Project management 4

5. LOGISTICS AND TIMING 4

5.1. Location 4

5.2. Start date & period of implementation of tasks 4

6. REQUIREMENTS 5

6.1. Staff 5

6.2. Office accommodation 7

6.3. Facilities to be provided by the contractor 7

6.4. Equipment 7

7. REPORTS 7

7.1. Reporting requirements 7

7.2. Submission and approval of reports 8

8. MONITORING AND EVALUATION 8

8.1. Definition of indicators 8

8.2. Special requirements 8

# BACKGROUND INFORMATION

## Partner country

Republic of North Macedonia

## Contracting authority

The Contracting Authority (CA) is the Customs Administration of the Republic of North Macedonia (CARNM), Skopje

## Country background

The need for strengthening the regional connectivity and to facilitate the increasing traffic of people and goods between Bulgaria and North Macedonia has since long been on the agenda. The regional consultations in 2019 have clearly identified the BCCP Strumyani – Berovo as an investment of strategic importance to be supported by the Interreg VI-A IPA Bulgaria-North Macedonia programme,

taking into account the gradual expansion of the socio-economic interlinkage between the two countries due to positive prospects of the EU enlargement. On 14 June 1999 in Skopje, an agreement between the Government of the Macedonia and the Government of Bulgaria for opening new international road Border Crossing Check Points (BCCP) Strumyani – Berovo and Simitli – Pehchevo

was signed.

Having a new BCCP built and operated on both sides of the border the expected changes will contribute to increasing the traffic of people and goods between the two countries; strengthening communication links between the two countries and improving and extending access to core TEN-T, including the connection with Corridors IV and VIII, which is to improve regional connectivity and boost the economic growth of the programme area.

The project output is BCCP facility constructed for the Bulgarian part and BCCP reconstructed /upgraded on the part of the Republic of North Macedonia. Main target groups who will benefit from the project are the residents, visitors, and businesses in the CBC area. А functioning BCCP requires the infrastructures on both sides of the border to be built and fully put into operation at the same time. Applying a strong cross-border partnership approach is the only possible one to ensure mutual performance and completion of project activities by both partners for successfully achieving the set project objective.

The project will also contribute to the EU external policy by adhering to most up-to-date standards in safeguarding security and border control by establishment of new sustainable climate resilient, intelligent, and intermodal national, regional and local mobility infrastructure to strengthening the regional connectivity and support business activities, including improved access to TEN-T and other important connections.

The Customs Administration is a state administration authority within the Ministry of Finance with a status of a separate legal entity. The Customs Administration carries out its powers throughout the entire territory of the country. It carries out the activities that are under its competence in accordance with the Law on Customs Administration, the Customs Law, the Customs Tariff Law, the Law on Customs Measures for Protection of Intellectual Property Rights, the Law on Excises, the Law on Tax Procedures and other laws governing the importation, exportation and transit of goods, as well as for the performance of all other activities that are vested under its competence with other laws.

The main responsibilities of the Customs Administration are the following:

* To conduct customs supervision;
* To conduct customs control;
* Customs clearance of goods;
* To conduct customs control, investigation and intelligence measures for the purpose of prevention, detection and investigation of customs offences and crimes;
* To initiate a procedure for customs and other offences, as well as for crimes determined by law and to collect mandatory fines;
* To calculate and collect or repay the import and export duties, taxes and other public levies on importation, exportation or transit of goods, as well as to conduct forcible collection of the above in accordance with law;
* To conduct the customs-administrative procedure in first degree;
* To monitor and control movements of excise goods;
* To conduct the control of the entering and exiting of cash in domestic and foreign currencies, cheques and monetary gold;
* To conduct the control of the importation, exportation and transit of goods for which special measures are prescribed in the interest of security and public morality, protection of people’s health and lives, animals and plants, protection of the living environment, protection of items of temporary protection or cultural heritage or natural rarities, protection of copyright and other related rights and industrial property rights, as well as other measures of commercial policy prescribed by law;
* To organise the customs information system and provide data on imports and exports for statistical purposes;
* To organise and conduct control of the professional liability of the employees;
* To draft legislation in the area of Customs competence;
* To organise and carry out training, testing of the knowledge and professional skills of Customs officers, as well as human resource management;
* To give expert assistance for the application of the customs regulations for the purpose of which it organises seminars and public platforms with the right for compensation;
* To conduct storage and safe-keeping of goods, as well as procedure of sale of confiscated, abandoned or discovered goods;
* To carry out monitoring of customs goods with compensation of costs;
* To conduct chemical-technological examination of goods with compensation of costs;
* To cooperate with other state authorities;
* To cooperate with foreign customs administrations and international organisations;
* To exercise other powers prescribed by the Law on Customs Administration and other laws;
* Management and maintenance of the premises at the Border Crossing Points.

## Current situation in the sector

CARNM assumed the responsibility for management and maintenance of the premises at the road Border Crossing Check Points (Amendments of the Law on the Customs Administration published in the “Official Gazette” No. 103/08 of 19 August 2008) cross the territory of the Republic of North Macedonia in 2008. Since that time enabled CARNM took over the management, administration and maintenance of the premises located at the road Border Crossing Check Points.

Regarding its role in managing the border crossing facilities, CARNM ensures allocation of appropriate funds for maintenance on a yearly basis. The CARNM has committed and will continue to commit in the future appropriate funding (operation and maintenance) to maintain the border crossing facilities established under the project.

Road Border Crossing Checking point Klepalo

The enhanced EU enlargement process has called on the Republic of Bulgaria and the Republic of North Macedonia to rise to the challenge of facilitating the annually increasing traffic of freight and movement of people between the two countries. The need for opening a new border crossing checkpoint BCCP between the two countries has been recognized back in 1999 when the Republic of Bulgaria and the Republic of North Macedonia have signed a Bilateral Agreement for establishment of a new BCCP at the village of Klepalo connecting the municipalities of Strumyani (Republic of Bulgaria) and Berovo (Republic of North Macedonia).The new BCCP will facilitate the flows of people and services, between the neighbouring municipalities areas and wider in the region. The BCCP Klepalo aims to enhance regional connectivity and stimulate the economic growth on both sides within the CBC area

The BCCP Klepalo is located at road P524 that passes by the Berovo Lake. This strategic location holds significance as it is poised to influence local rural tourism activities positively. Also, it would create the potential to attract a greater number of tourists to the region, fostering growth in both North Macedonia and Bulgaria.

At present on site there are several facilities, built in the 1990’s, located on the Multi-Lane Zone. There are two entry (inbound) and two exit (outbound) lanes with the possibility of expansion. The administrative building is placed on the exit side, 7 meters from the first lane. The canopy covers all lanes and the aboveground weighbridge for heavy vehicles. There are five cabins for customs and passport control. Other facilities include a 50 ton electronic aboveground weighbridge, one channel for inspecting heavy vehicles, one 10 meter high flagpole on the exit side, 5 barriers (one for each of the exit and entry lanes one at the scale, a vehicle disinfection pit on the entry side, canine house, transformer (electrical), public toilet, fountain and a tap, inspection rooms, parking, as well as places for duty-free shop and customs agents.

The administrative building - has two integral but functionally divided units –for the Ministry of the Interior and the Customs Administration. The detailed description of the lay-out of the building will be shared to the contractor if needed. Adjacent to the building there is a garage equipped electromechanical lift for inspection of passenger motor vehicles.

## Related programmes and other donor activities

The partner has the necessary experience, knowledge and capacity to carry out the full range of project actions. CARNM has experience in European projects as follows:

* Extension and upgrading the customs clearance and inspection facilities of the road BCCP Tabanovce – IPA I (2014-2020). The Project scope comprises of: extension of the existing cargo customs terminal along with new access road, new customs clearance building with support services, inspection facilities for trucks and a warehouse, external electrical works, water supply, firefighting, storm water and sewerage network with WWTP, horizontal and vertical traffic signalization and fence off the terminal and construction of two new lanes for trucks on exit side 1. Initiated in 2016 and completed in 2018, the new customs terminal at the Tabanovce was put into use, and the crossing was expanded with two new exit lanes.
* Upgrade of the customs clearance and inspection facilities at the road BCCP Kjafasan and supervision of works IPA I (2014-2020) – In 2017 at the BCCP of Corridor VIII with Albania a Project for upgrade of the BCCP Kjafasan took place. The facilitation of cross border procedures and enforcement of the legislation through the upgrade of the customs clearance and inspection facilities, thus enabling better services to the benefit of the economic operators to move their goods faster across the border, and enhanced protection of the country and the society was the overall objective of the intervention. More specifically a construction of a new import-export customs terminal of 9,500 m2, access roads, facilities for clearance and other inspection authorities; reconstruction of the existing facilities were completed and put into operation in 2019.
* Development of Border Infrastructure between Greece and North Macedonia (BORDER.IN) , IPA I CBC Program (2007-2013). This project aims to support the customs facilities in Doirani (Greece) and Bogorodica (MKD), as well as their special operations, speeding up customs clearance of goods, processing of passengers, and prevention of smuggling. The modernization of the customs services in both countries will primarily be facilitated by infrastructure development. The key outcomes of the project are the renovations of the customs offices in Doirani and the administrative building in Bogorodica BCCP. The facilities were put in operation in 2018.
* „We Cross Borders“, project for cross border cooperation with Greece (CBC IPA Programme 2014-2020). The modernization and upgrade of the BCCPs Bogorodica and Dojran, will contribute to greater functionality, faster traffic flow and increased quality of services for employees and passengers, as users of border crossing points. The outcome is modernized border crossing points Bogorodica and build-in weighbridge for trucks at exit from the country, provided a new electro-mechanical lift for motor vehicles in the garage for detailed inspection of passenger motor vehicles. The project is still ongoing.

# OBJECTIVES & EXPECTED OUTPUTS

## Overall objective

The overall objective (Impact)to which this action contributes is:

To provide support in successful completion of the Project for “Establishment of a new Border Crossing Check Point “Klepalo” between the Republic of North Macedonia and the Republic of Bulgaria”.

**2.2** **Specific objective(s)**

The specific objective of this contract is as follows:

The Architect will support the Customs Administration in the process of preparation of the planning/designing of the site, obtaining the permits required according to national legislation as well as work closely with the design team (consultants) on the preparation of the urban plan/urban project and technical designs. The expert will take care of the design process through distribution of elements, aesthetics, and functionality in a high creative manner in order to optimise use of resources and to achieve the best results.

**2.3.** **Expected outputs to be achieved by the contractor**

The expected results of the Project are:

1. Providing expertise during performance of the urban planning and design activities
2. Quarterly reports on the activities performed by the Architect accepted by the Project Coordinator and the Contracting Authority
3. The expert will assist the Customs Administration, in particular the Sector for Administrative and Technical Affairs in all steps of urban planning and technical documentation approval process, meeting the national normative requirements;
4. Assisting in conducting the procedure foe obtaining Building permit until issued for the border crossing point BCCP Berovo
5. Providing support in obtaining the building permit for Photovoltaic solar panels Building permit

**3.** **ASSUMPTIONS & RISKS**

**3.1** **Assumptions underlying the project**

The encountered assumptions behind the Project, matter of interest of these Terms of Reference are listed as follows:

* Excellent, timely and smooth communication and cooperation between all involved relevant stakeholders and counterparts;
* Support and commitment of all relevant governmental institutions and of all international stakeholders;
* Stable political and social environment;
* Adequate human and financial resources are made available to ensure proper execution of the Contract;
* National budget resources available;
* The contracts are managed correctly.

## 3.2 Risks

The Contractor shall ensure that risks are identified, recorded and regularly submitted to the Contracting Authority for consideration. A risk management cycle must be included in the Annex III - Organisation and Methodology of the Tender, clearly specifying who, how and when will deal with risks and take the necessary decisions at different management levels.

The following are key risks to be taken into account:

* Risks occur in case the assumptions listed above (Section 3.1) are not met during the project preparation and implementation;
* Lack of support staff needed for project realisation;
* Lack of cooperation between involved parties.

**4.** **SCOPE OF THE WORK**

## 4.1 General

**4.1.1 Description of the assignment**

In the frame of this Project, the Customs Administration in the capacity of Partner 2 shall implement several different types of contracts in order to achieve the Project objective. The following types of the contracts are envisaged: works contracts, supply contracts, service contracts and few service contracts that should be signed with the individual experts that would support the Customs Administration in implementing the project activities.

Regarding the rules that should be followed during the implementation of these contracts, it is clearly states that the PRAG rules (A Practical Guide to Contract Procedure for European Union External Actions) shall be followed during the implementation i.e. depending of the threshold of the contract a particular PRAG procedure will be followed.

The Architect expertise will be needed during performance of the urban planning, design, approval and permitting process. More precisely, the Architect will assist the Customs Administration, in particular the Sector for Administrative and Technical Affairs in all steps of urban planning approval process meeting the national normative requirements i.e support the team on all technical and legal issues that might occur during the project performance until obtaining building permits. Moreover, the Architect will support the Customs Administration in following any irregularities related to the project performance.

**4.1.2. Geographical area to be covered**

The main activities of the project will be implemented in Skopje, Republic of North Macedonia as the Customs Administration HQ is located in Skopje. However, site visits in BCCP Klepalo occasionally, will be held, if needed we well.

**4.1.3 Target groups**

The Customs Administration of the Republic of North Macedonia is the Final Beneficiary of this project. On wider aspect the local population will directly benefit from this action, as it will facilitate the transport and border crossing between the two countries.

**4.2** **Specific work**

**A clear and detailed list of the tasks to be undertaken in order to achieve the contract results:**

- Active engagement with the design consultants along the planning/designing process on behalf of the Customs Administration in order to ensure high quality work;

- Bridging the open questions, previous issues, issues and/or solving problems during the design process of the BCCP Berovo (Klepalo) and if necessary bringing the specific issues with no delays to be solved

- Providing support to the Sector for Administrative and Technical Affairs of the Customs Administration in relation to implementation of the Project - ”Establishing of a new border cross check point (BCCP) Strumyani - Berovo (Klepalo) between Bulgaria and North Macedonia"

- Providing support to the Sector for International Cooperation and EU Integration of the Customs Administration in relation to implementation of the Project - ”Establishing of a new border cross check point (BCCP) Strumyani - Berovo (Klepalo) between Bulgaria and North Macedonia"

- Cooperate and communicate on behalf of the Customs Administration with all relevant parties involved in the implementation of the Project (such as: Ministry of Transport and Communication, the Municipality of Berovo, the Agency for Spatial Planning, the Project Coordinator for this Project and all other relevant parties

- Work closely with the design team (consultants) on the preparation of the urban plan/urban project and technical designs (such as: Urban plan for areas and buildings of state importance designed; Urban project designed; Technical documentation for reconstruction designed and Report on the assessment of the project's impact on the environment developed).

- Assisting/ Supporting the Designer in the process of Urban Planning and Design Approval Procedures such as:

* Adopting the Government Decision on Urban Plan, including conducting the procedure on Urban plan approval; Positive decision issued; Digital overlapping to the Agency of Real Estate Cadaster
* Decision on Urban Project, including conducting the procedure on Urban Project approval; positive decision issued and Digital overlapping to the Agency of Real Estate Cadaster
* EIA Positive Decision, including conducting the procedure on EIA approval; Positive decision issued;

- Assisting/ Supporting the Designer in the process of obtaining building permits application:

* BCCP Berovo Facility Building permit - Conducting the procedure on Building permit issued and obtaining
* Photovoltaic solar panels Building permit - Conducting the procedure on Building permit issued and obtaining

- Closely monitoring the progress of the implementation of the Contract for Design activities and the Contract for the Audit of the Design

- Ensuring that the technical audits (revisions) is done on the Urban Plan and on the Urban Project as well as on the Detailed Design and other relevant documents, by relevant licensed company/(ies), as required by the national Law on Construction.

- Ensuring that the Designer operate in compliance with the provision of the applicable national law and EU standards and in accordance with the predefined deadlines and the quality required

- The Architect shall ensure that at the end of the assignment there are fully completed design documents which will be the basis for obtaining the building permit and the Decision for placement of solar panels on the roof of the complex.

- Ensuring that the required outputs of the Contractor for Design Activities and the Contractor for Audit/ Revision of the Design are delivered

- Approving/ Endorsing the Narrative Reports from the Contractor for the Design Activities and the Contractor for the Audit/ Revision of the Design

- Organising/ participating on the spot visits, if needed

- Facilitate the work of the auditors (internal and external) and provide all the required information and logistical support for successfully caring out the audit

- Ensure adequate audit trail and document retention/ archiving of the documentation

**4.3** **Project management**

### **4.3.1 Responsible body**

### The Contracting Authority will be the Customs Administration of the Republic of North Macedonia and will be responsible for all administrative and procedural aspects of the tendering process, contracting matters and financial management, including payment of project activities.

### **4.3.2 Management structure**

The Contractor shall work in close cooperation with the nominated staff of the Contracting Authority.

The prepared Quarterly reports on the activities performed by the Architects shall be accepted by the Project Coordinator and the Contracting Authority.

### **4.3.3. Facilities to be provided by the contracting authority and/or other parties**

The Contracting Authority shall supply the Contractor promptly with any useful information and/ or documentation which may be relevant to the performance of the Contract.

**5.** **LOGISTICS AND TIMING**

## 5.1 Location

The main activities of the project will be implemented remotely or in Skopje, Republic of North Macedonia as the Customs Administration HQ is located in Skopje.

## 5.2 Start date & period of implementation of tasks

The intended start date is October 2024 and the period of implementation of the contract will be 28 months from this date. Please see Articles 19.1 and 19.2 of the special conditions for the actual start date and period of implementation.

**6.** **REQUIREMENTS**

**6.1** **Staff**

Note that civil servants and other staff of the public administration of the partner country, or of international/regional organisations based in the country, shall only be approved to work as experts if well justified. The justification should be submitted with the tender and shall include information on the added value the expert will bring as well as proof that the expert is seconded or on personal leave.

**6.1.1. Other experts, support staff & backstopping**

N/A

**6.2** **Office accommodation**

Office accommodation for each expert working on the contract is to be provided by the contractor.

**6.3.** **Facilities to be provided by the contractor**

The contractor shall ensure that experts are adequately supported and equipped. In particular it must ensure that there is sufficient administrative, secretarial and interpreting provision to enable experts to concentrate on their primary responsibilities. It must also transfer funds as necessary to support their work under the contract and to ensure that its employees are paid regularly and in a timely fashion. The contractor is responsible to ensure all necessary supplies, documentation, logistical support etc for the success of the contract. Please note that global price contract do not entail reimbursable/incidental expenditure.

**6.4** **Equipment**

No equipment is to be purchased on behalf of the contracting authority / partner country as part of this service contract or transferred to the contracting authority / partner country at the end of this contract. Any equipment related to this contract which is to be acquired by the partner country must be purchased by means of a separate supply tender procedure.

**7.** **REPORTS**

**7.1** **Reporting requirements**

The contractor will submit the following reports in English language in one original and one copy:

* **Inception Report** - N/A
* **Quarterly reports** on the activities performed by the Architect Expert No. 1 to be submitted to the Contracting Authority, after one week of the end of the quarter. The Quarterly Report should be of maximum 20 pages
* **Draft final report** of maximum 20 pages (main text, excluding annexes). This report shall be submitted no later than one month before the end of the period of implementation of tasks.
* **Final report** with the same specifications as the draft final report, incorporating any comments received from the parties on the draft report. The deadline for sending the final report is 15 days after receipt of comments on the draft final report. The report shall contain a sufficiently detailed description of the different options to support an informed decision on all previously approved project results. The detailed analyses the recommendations will be presented in annexes to the main report. The final report must be provided along with the corresponding invoice.

**7.2.** **Submission and approval of reports**

The report referred to above must be submitted to the project manager identified in the contract. The project manager is responsible for approving the reports.

The reports should be submitted in English language.

# 8. MONITORING AND EVALUATION

**8.1.** **Definition of indicators**

Suitable and objectively quantifiable indicators will be proposed in the technical offer.

Indicators to be proposed in the offer will be based on required outputs and may take the nature of: descriptive indicators; performance indicators; qualitative indicators; quantitative indicators etc.:

The following indicators shall confirm the successful achievement of the project results:

- Prepared Quarterly Reports with sufficient quality

## 8.2. Special requirements

The Contractor must possess Professional license for design/ execution of the architectural activities issued by the Chamber of licensed engineers and architects.