**Additional information about the Contract Notice**

**PROC/1056/21/Reorganisation of ECM Mitrovica  
Pristina – Kosovo**

**Please note that the awarding of the contract is subject to the condition of:**

*This tender procedure is launched under* ***suspensive clause[[1]](#footnote-1)*** *i.e. the contract implementation beyond the duration of the Contribution Agreement (CFSP/2021/15/EULEX Kosovo), is subject to the availability of funds of EULEX Kosovo through the conclusion of a new Contribution Agreement between the European Commission and the EULEX Kosovo.*

1. **Nature of contract**

**Unit price**

1. **Programme title**

**Council Decision (CFSP) 2021/904 of 03 June 2021 amending the Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).**

1. **Financing**

**CFSP/2021/15/EULEX Kosovo**

1. **Eligibility and rules of origin**

Participation is open to all natural persons and/or legal persons participating either individually or in a grouping (consortium), as authorized by Council Decision (CFSP) 2016/1990 of 14 November 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO). The participation of natural and legal persons in the award of procurement contracts financed out of the Mission's budget is open without limitations. Participation is also open to international organisations.

1. **Candidature**

**All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may apply.**

**A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.**

**The participation of an ineligible natural or legal person will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.**

1. **Number of tenders**

**No more than one tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.**

In case of lots, the tenderers may submit only one tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works or supplies required in the tender dossier.

Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot.

1. **Tender guarantee**

Tenderers must provide a tender guarantee of **4,600.00 Euro,** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer(s) upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.

1. **Performance guarantee**

The successful tenderer will be asked to provide **a performance guarantee of** **5% of the amount of the contract at the signing of the contract**. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

1. **Information meeting and/or site visit**

**A mandatory site visit** and clarification meeting will be held by the contracting authority on  **26/10/2021, at 11:00 hrs**.at **Str. Ferki Lisica, 40000 Mitrovica, Kosovo**.

1. **Tender validity**

Tenders must remain valid for a period of 3 months after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

1. **Grounds for exclusion**

Candidates or tenderers must submit a signed declaration, included in the tender form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the **practical guide (PRAG).** Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

1. **Sub-contracting**

Sub-contracting is allowed.

1. **Provisional commencement date of the contract**

December 2021

1. **Period of implementation of tasks**

Period after the effective date during which Contracting Authority’s representative must issue Administrative Order to commence the works **within seven (07) calendar days from the contract signature.**

The date of commencement shall be within **seven (07) calendar days** after issuing an administrative order (work order), notifying the Contractor of the date on which the period of implementation of tasks must start, but not before handing over the Insurance policy.

The period of the tasks will be **ninety (90) calendar days** from the commencement order.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

The following selection criteria will be applied to tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors:

The selection criteria for each tenderer are as follows:

***Economic and financial capacity of candidate:***

* **The average turnover of the tenderer for the last three (3) years must be at least equal or exceed the financial proposal.**

***Technical and professional capacity of candidate:***

* **The tenderer must have completed at least two (02)   projects of the same nature, and an amount not less than 100.000 € each and complexity as the works concerned by the tender and implemented at any moment in the past five (5) years from the submission deadline (i.e. from 2016 to 2021).**

#### Capacity-providing entities:

An economic operator may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. If the tenderer relies on other entities, it must prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract by producing a commitment on the part of those entities to place resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility and notably that of nationality, as the economic operator relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be provided at the request of the contracting authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract

1. **Award criteria**

Price.

**TENDERING**

1. **How to obtain the tender dossier**

The tender dossier is available from the TED E-Tendering platform at the following Internet address: [**https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6677**](https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6677)

The tender dossier is also available from the Contracting Authority from the following Internet address: **https://www.eulex-kosovo.eu/?page=2,6**.

Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to

**EULEX Kosovo – Procurement Section**

**Ndertesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagjja Spitalit**

**10000 Pristina, Kosovo**

**E-mail:** [**tenders@eulex-kosovo.eu**](mailto:tenders@eulex-kosovo.eu)

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item ‘**Deadline for submission of tenders or tenders’**. The contracting authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Possible clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home> and/or on the EULEX website: **https://www.eulex-kosovo.eu/?page=2,6**

1. **Tender opening session**

On **08/12/ 2021 at 15:30 hrs,** (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo.

Given the specific circumstances, the tender opening session may be organised by video conference.

1. **How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope.

EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

**EULEX Kosovo – Procurement Section**

**Ndertesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagjja Spitalit**

**10000 Pristina, Kosovo**

OR **hand delivere**d by the participant in person or by an agent **directly** to the premises of the contracting authority in return for a **signed and dated receipt**, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

**EULEX Kosovo – Procurement Section**

**Ndertesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagjja Spitalit**

**10000 Pristina, Kosovo  
Opening hours: 08:00 to 17:00hrs**

**OR (exceptionally) electronic submission via email at: tenders@eulex-kosovo.eu.**

The **contract title** and the **Publication reference** (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

**Tenders submitted by any other means will not be considered.**

By submitting a tender accepts to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the tender.

1. **Deadline for submission of tenders**

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery and exceptionally electronic submission.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[2]](#footnote-2), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

1. **The deadline for submission of tenders can be found in the Contract Notice under IV.2.2.**

Any tender received by the Contracting Authority after this deadline will not be considered**.**

The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

1. **Language of the procedure**

All written communications for this tender procedure and contract must be in English.

**28. Legal basis**

Council Joint Action 2008/124/CFSP of 04 February 2008, on the European Union Rule of Law Mission in Kosovo, (hereafter “EULEX Kosovo”) as amended by Joint Action 2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 Council Decision (CFSP) 2017/973 of 8 June 2017, Council Decision (CFSP) 2018/856 of 8 June 2018, Council Decision (CFSP) 2020/792 of 11 June 2020 and Council Decision (CFSP) 2021/904 of 03 June 2021.

**29. Additional information**

Financial data to be provided by the tenderer in the standard tender form must be expressed in EUR. If applicable, where a tenderer refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of **MONTH and YEAR** of the applicable InforEuro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting tenders, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. See Paragraph 2.6.12 of Practical Guide to Contract procedures for EU external actions. <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B> [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)