**SUPPLY CONTRACT NOTICE**

**Supply of Primary Generators no.3**

**1. Publication reference**

PROC/831/18 (EuropeAid/139961/ID/SUP/XK)

**2. Procedure**

Local Open

**3. Programme title**

**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.**

**4. Financing**

CFSP/2018/09/EULEX Kosovo

**5. Contracting Authority**

EULEX Kosovo

Clarifications may be sought from the contracting authority at the following email address [tenders@eulex-kosovo.eu](mailto:tenders@eulex-kosovo.eu) at the latest 21 days before the deadline for submission of applications stated at the point 19 below.

**CONTRACT SPECIFICATION**

**6. Description of the contract**

The subject of the contract is the supply and delivery by the Contractor of Primary Generators (see annex II + III of the Tender Dossier for the detailed specifications of the items and quantities) in main warehouse Pristina, DAP[[1]](#footnote-1).

Deliveries shall be 90 (ninety) calendar days after the signature of the contract by both parties.

**7. Number and titles of lots**

No, one lot only.

**TERMS OF PARTICIPATION**

**8. 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.

No rules of origin is applied.

**9. Grounds for exclusion**

Tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the practical guide.

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.

**10. Number of tenders**

Tenderers may submit only one tender per lot. 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 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.

**11. Tender guarantee**

**Tenderers must provide a tender guarantee of 360.00 (three hundred and sixty) Euros 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.**

**12. 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.**

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

**No information meeting is planned.**

**14. Tender validity**

Tenders must remain valid for a period of 90 days 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 (see para 8.2 of the instructions to tenderers).

**15. Period of implementation of tasks**

The task shall be implemented within 90 (ninety) calendar days after the signature of the contract by both parties.

**SELECTION AND AWARD CRITERIA**

**16. 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:

1. **Economic and financial capacity of tenderer**(based on i.a. item 3 of the tender form for a supply contract). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

a)      The average annual turnover of the tenderer in the past 3 years (2017, 2016 & 2015) must be at least 60,000.00 EUR.

2)         **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract) The reference period which will be taken into account will be the last 5 years from submission deadline:

1. the tenderer has a minimum of 2 (two) staff that currently work for the tenderer in fields related to this contract.

3)                **Technical capacity of tenderer** *(*based on i.a. items 5 and 6 of the tender form for a supply contract). The reference period which will be taken into account will be the last 5 years from submission deadline.

a)      The tenderer has delivered supplies under at least two (2) contracts with a budget of at least 30,000.00 in fields related to this project which were implemented during the following period: three years from the submission deadline (i.e. 2013 to 2018).

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

Capacity-providing entities

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the contracting authority are when the tender rely in majority on the capacities of other entities or when they rely on key criteria. If the tender relies on other entities it must prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of those entities to place those 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 data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by 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 tasks 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.

**17. Award criteria**

Price

**TENDERING**

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

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the contracting authority at the following address: <http://www.eulex-kosovo.eu/?page=2,6>. Tenders must be submitted using the standard tender form for a supply contract 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: tenders@eulex-kosovo.eu at the latest 21 days before the deadline for submission of tenders given in item 19. The contracting authority must reply to all tenderers' questions at the latest 11 days before the deadline for submission of tenders Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website <http://www.eulex-kosovo.eu/?page=2,6>.

**19. Deadline for submission of tenders**

The tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders, either by post or private mail service, or by hand delivery.

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 application/tender which will serve as proof.

Any tender submitted to the contracting authority after this deadline will not be considered.

**The contracting authority may, for reasons of administrative efficiency, reject any application or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.**

**How tenders may be submitted**

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

1. 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:

On **06 December 2018 at 15:00 hrs,** (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo.

1. 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:

On **06 December 2018 at 15:00 hrs,** (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo.

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 tenderer accept 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.

**20. Tender opening session**

On **06 December 2018 at 15:30 hrs** (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo.

**21. Language of the procedure**

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

**22. 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.**

**23. Additional information**

Not applicable.

1. DAP (delivery at place) - Incoterms 2010 International Chamber of [Commerce - http://www.iccwbo.org/incoterms/id3040/index.html](file:///C:\Documents%20and%20Settings\khavolli\Local%20Settings\Temporary%20Internet%20Files\Local%20Settings\Temporary%20Internet%20Files\OLKCC\Commerce%20-%20http:\www.iccwbo.org\incoterms\id3040\index.html) [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)