



**EUROPEAN UNION RULE OF LAW MISSION IN KOSOVO EULEX KOSOVO**

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**CLARIFICATION (2)**

**PUBLICATION REFERENCE: EuropeAid/136868/IH/SUP/XK/Fuel Supply (PROC/553/15)**

**1. Questions regarding Selection Criteria**

No	Reference	Clarifications
1	Can you please clarify more details for criteria number 3: Technical Capacity AT LEAST 3 PROJECTS WITH SIMILAR SUBJECT (turnover, amount of supply or only similar subjects) and clarification two: Letter Guarantee or Manufacture Authorization from main producer supplier (oil refinery).	<p><b><u>Technical Capacity</u></b></p> <p>In line with point 16, Selection Criteria, sub-point 3), Technical Capacity, paragraph a of the Contract Notice, the tenderer must demonstrate their technical capacity by proving that they have worked on at least three projects comparable with the <b>supply and delivery of diesel, petrol, LPG, oils, lubricants and associated products (i.e. subject of this tender dossier)</b> to at least 5 different locations within a territory of similar size to the Republic of Kosovo, with a budget equivalent to that of this contract (please refer to estimated quantities stipulated in Annex IV of the tender dossier) in the past three years (i.e. 2012, 2013 and 2014).</p> <p>In this regard, please note that the last paragraph of point 16, Selection Criteria of the Contract Notice establishes that “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 rely 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 an undertaking 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</p>

		<p>nationality, as the economic operator. 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”.</p> <p><u>Letter from main fuel producer/supplier</u></p> <p>In line with point 16, Selection Criteria, sub-point 3), Technical Capacity, paragraph d, in order to ensure that the quality of the fuel is in accordance with the standards stipulated in Annex II, Technical Specifications, of the tender dossier (e.g. EN ISO 4259), the tenderer is requested to provide a <i>Duly signed guarantee letter from main fuel producer/supplier (oil refinery) that potential contractor will be able to supply required quality of petroleum products (Diesel and Petrol).</i></p> <p>In addition, in accordance with point 11, content of tenders, part 3 documentation, of the instruction to tenderers (ITT), tenderers must also provide a <i>Detailed description of the setup of the Supply Chain (from refinery to Fuel distribution points) in Pristina and Mitrovica.</i></p>
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