
SUPPLY CONTRACT NOTICE

Supply of Air Conditioning units and spare parts for central heating plants under a Framework Contract (PROC/632/16)

Pristina, Kosovo

1. Publication reference

EuropeAid/137999/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 JA 2009/445/CFSP and by Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP, Council Decision 2013/241/CFSP, Council Decision 2014/349/CFSP, Council Decision 2014/685/CFSP of 29 September 2014 and 2015/901/CFSP of 11 June 2015.

4. Financing

CFSP/2015/24/EULEX KOSOVO

5. Contracting authority

EULEX Kosovo

CONTRACT SPECIFICATIONS

6. Description of the contract

The subject of the framework contract is the supply of Air Conditioning units and spare parts for central heating plants (see Annex II and III of the Tender Dossier for the relevant description of the items and the yearly estimated quantities of items that MAY be purchased during the duration of the framework contract); in two (2) lots at EULEX Kosovo, Pristina, DAP .

The signature of the framework contract imposes no obligation on the Contracting Authority to purchase the quantities as estimated in Annex II and III.

Deliveries shall ONLY take place following the issuance of "purchase orders" to be issued by the Contracting Authority during the duration of this framework contract.

Deliveries shall take place within 21 (twenty one) working days after the receipt by the contractor of a "purchase order" issued by the Contracting Authority during the duration of the framework contract;

The supplies must comply fully with the technical specifications set out in the tender dossier (technical annex) and conform in all respects with the drawings, quantities, models, samples, measurements and other instructions.

Tenderers are not authorised to tender for a variant solution in addition to the present tender.

7. Number and titles of lots

This procedure is divided into 2 (two) lots.

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http://www.iccwbo.org/incoterms/id3040/index.html](http://www.iccwbo.org/incoterms/id3040/index.html)

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation is open to all natural persons who are nationals of and legal persons participating either individually or in a grouping (consortium) of tenderers which are effectively established in a Member State of the European Union, or in an official candidate country, or a country that is a beneficiary of the Instrument for Pre-Accession Assistance, in a Member State of the European Economic Area, a country of the Western Balkans region or a contributing third state, as authorized by Council Joint Action 2008/124/CFSP of 04 February 2008 on EULEX KOSOVO as amended by JA 2009/445/CFSP and Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP, Council Decision 2013/241/CFSP, Council Decision 2014/349/CFSP, Council Decision 2014/685/CFSP of 29 September 2014 and 2015/901/CFSP of 11 June 2015. Participation is also open to international organizations. The participation of natural persons is governed by the specific instruments applicable to the program under which the contract is financed.

No rule 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 point 2.3.3 of the Practical Guide.

10. Number of tenders

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

11. Tender guarantee

Tenderers must provide a tender guarantee when submitting their tender, as per below lot breakdown:

Lot 1	120.00 Euro
Lot 2	300.00 Euro

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.

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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 framework contract shall be concluded for a period of **12 (twelve) months**, with effect on the date on which it enters into force, (although the Framework contract may be terminated at short notice. See article 36 of the special conditions);

The contracting authority may, at its own discretion extend this framework contract. Such extension shall be made under negotiated procedure. The contract may only be extended once, such that the duration of extension does not exceed the duration of the initial framework contract. Any extension will be conditioned and limited by the Mission's mandate, the availability of corresponding budgetary funds and the satisfactory fulfilment of its obligations by the contractor.

The framework contract will enter into force on the date of its signature by both parties, but it will be only be implemented by means of "purchase orders" i.e. deliveries shall only take place following the issuance by the contracting authority of "purchase orders". Deliveries shall take place within **21 (twenty one) working days** after the receipt by the contractor of a "purchase order" issued by the Contracting Authority.

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

The average turnover of the tenderer for the last three (3) years (i.e. 2015, 2014 and 2013) must exceed the financial proposal.

2) Professional capacity of tenderer (based on i.e. items 4 and 5 of the Tender Form for a Supply Contract)

At least 2 (two) staff currently work for the tenderer in fields related to this contract.

3) Technical capacity of tenderer

The tenderer has worked successfully on at least three (3) contracts with a budget equal to or exceeding the amount of the financial offer in fields related to the subject of this contract in the past three years (i.e. 2015, 2014 and 2013).

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 tenderer rely in majority on the capacities of other entities or when they rely on key criteria. If the tenderer 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 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. 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.

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17. Award criteria

Price

TENDERING

18) How to obtain the tender dossier

The tender dossier is available from the following Internet address: <http://www.eulex-kosovo.eu/?page=2.6>. The tender dossier is also available from the Contracting Authority. 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 :

EULEX Kosovo – Procurement Section

Ndertesa Farmed

“Muharrem Fejza” p.n.

Lagja Spitalit

10000 Pristina, Kosovo

E-mail: 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 19. The Contracting Authority must reply to all tenderers' questions at least 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 EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

19. Deadline for submission of tenders

On **16 May 2016 at 15:00 hrs.** (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo.

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

20. Tender opening session

On **16 May 2016 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 basis¹

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¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).

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