

SUPPLY CONTRACT NOTICE

Supply of Construction Materials under a Framework Contract

Kosovo

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

- This tender procedure is launched under **suspension clause** i.e. the award of this specific tender is subject to the provision of funding to EULEX through the conclusion of a Contract between the European Commission and the EULEX Head of Mission¹.

which do not modify the elements of the procurement procedure (this will be the case, for instance, if the budgetary envelope initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

1. Publication reference

PROC/447/13/Construction Materials No. 3 (**EuropeAid/135091/M/SUP/XK**)

2. Procedure

Local Open

3. Programme

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 and Council Decision 2013/241/CFSP of 27 May 2013.

4. Financing

Contract No CFSP/2013/9/EULEX KOSOVO - Borchardt

5. Contracting authority

The Head of EULEX Kosovo

CONTRACT SPECIFICATIONS

6. Description of the contract

The subject of the framework contract is the supply and delivery of construction materials by the Contractor (see Annex II and III of the Tender Dossier for the relevant description of the

¹ See paragraph 2.4.12, of the Practical Guide to Contract procedures for EU external actions.

items and the yearly estimated quantities that MAY be purchased during the duration of the framework contract), in 6 (six) lots at EULEX Kosovo, Pristina, DAP2.

The signature of the framework contract imposes no obligation on the Contracting Authority to purchase any of the quantities estimated in Annex II and III of the “tender dossier”. Deliveries shall only take place following the issuance by the contracting authority of “purchase orders”, specifying the list of items intended to be supplied with their respective quantities.

Deliveries shall take place within **14 (fourteen) working days** after the receipt by the contractor of a “purchase order”.

7. Number and titles of lots

Lot 1	Interior/façade works material
Lot 2	Precast Concrete Elements, Concrete and Masonry Material
Lot 3	Doors, Windows and Locks
Lot 4	Wood
Lot 5	Plumbing
Lot 6	Electrical Material

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation is open to all legal persons participating either individually or in a grouping (consortium) of which are established in a Member State of the European Union 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 by Council Decision 2010/322/CFSP). Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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 to contracts procedures for EU external actions.

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.

² DAP (delivery at place) - Incoterms 2010 International Chamber of [Commerce - http://www.iccwbo.org/incoterms/id3040/index.html](http://www.iccwbo.org/incoterms/id3040/index.html)

11. Tender guarantee

Tenderers must provide a tender guarantee of (**see below table with the amount per lot**) 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.

Lot 1	Interior/façade works material	€ 800
Lot 2	Precast Concrete Elements, Concrete and Masonry Material	N/A
Lot 3	Doors, Windows and Locks	N/A
Lot 4	Wood	N/A
Lot 5	Plumbing	€ 400
Lot 6	Electrical Material	€ 800

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 or Site Visit is foreseen.

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

15. Period of implementation of tasks

The period of implementation of the tasks identified is **1 (one) year** from the Commencement date (although the Framework contract may be terminated at short notice. See article 36 of the special conditions of the draft contract).

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 fulfillment of its obligations by the contractor.

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:

- 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.
 - a) The average turnover of the tenderer for the last two (2) years (i.e. 2012 and 2011) must be at least equal or exceed the financial proposal for the lot(s) tendered. (i.e. exceed the **aggregated** value of the financial proposals in case several lots are tendered);
- 2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract)
 - b) The tenderer has a minimum of (2) two staff employed on permanent basis;
- 3) Technical capacity of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract)
 - c) The tenderer has worked successfully on at least five (5) projects **with a budget of at least 65% of its financial offer for the lot(s) tendered or has sold for a same amount** of materials in fields related to the subject of these lots in the past three years (i.e. 2012, 2011 and 2010).

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 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 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.

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/en/tenders/>. 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
Main Warehouse Compound
Industrial Zone Veternik
(opposite Gorenje Hotel, next to fuel station)
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 EULEX website at: <http://www.eulex-kosovo.eu/en/tenders/>

19. Deadline for submission of tenders

On **30 October 2013 at 15:00hrs**, (Kosovo time zone) at EULEX, Procurement Section, Main Warehouse Compound, Industrial Zone Veternik, (opposite Gorenje Hotel, next to fuel station), 10000 Pristina, Kosovo.

Any tender received after this deadline will not be considered.

20. Tender opening session

On **30 October 2013 at 15:30hrs**, (Kosovo time zone) at EULEX, Procurement Section, Main Warehouse Compound, Industrial Zone Veternik, (opposite Gorenje Hotel, next to fuel station), 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 JA 2009/445/CFSP and by Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP and Council Decision 2013/241/CFSP of 27 May 2013.