

## SERVICE CONTRACT NOTICE

### Helicopter support to the EULEX Mission in Kosovo no.2 Pristina - Kosovo

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

This tender procedure is launched under *suspension clause*<sup>1</sup> 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 Mission.

#### 1. Publication reference

EuropeAid/135008/D/SER/XK.

#### 2. Procedure

Restricted

#### 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

CFSP/2013/9/EULEX KOSOVO - Borchardt

#### 5. Contracting Authority

The Head of EULEX Kosovo.

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## CONTRACT SPECIFICATION

#### 6. Nature of contract

Global price.

#### 7. Contract description

Provision of helicopter services inside Kosovo and to neighboring countries in the region for the following:

1. HEMS (helicopter emergency medical service) and Inter Hospital Patient Transport (air

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<sup>1</sup> See Paragraph 2.3.6 of Practical Guide to Contract procedures for EU external actions.

[http://ec.europa.eu/europeaid/work/procedures/implementation/practical\\_guide/documents/2008new\\_prag\\_final\\_en.pdf](http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/documents/2008new_prag_final_en.pdf)

ambulance service) on a 24hr/7days a week basis.

2. On-demand flight service for mission support related tasks including person/cargo transport, HHO (helicopter hoist operations), FRIES (fast roping equipment), Aerial Photography and Survey Flights.

Contractor needs to provide helicopters with a passenger capacity of 12 to 14 persons, fully IFR (instrument flight rules) equipped and approved for NVIS (night vision imaging system) operations.

#### **8. Number and titles of lots**

No, one lot only.

#### **9. Maximum budget**

6 000 000 EUR (per year).

#### **10. Scope for additional services**

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the Contractor.

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## **CONDITIONS OF PARTICIPATION**

#### **11. Eligibility**

Participation is open to all legal persons participating either individually or in a grouping (consortium) or tenderers 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 Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP of 5th June 2012 and Council Decision 2013/241/CFSP of 27 May 2013). The participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

#### **12. Candidature**

All eligible natural and legal persons (as per item 11 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 members of a consortium (ie, the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) 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.

### **13. Number of applications**

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

### **14. Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Prag 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

### **15. Grounds for exclusion**

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the Practical Guide to contract procedures for EC external actions

### **16. Sub-contracting**

Subcontracting is allowed.

### **17. Number of candidates to be short-listed**

On the basis of the applications received, between 4-8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

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## **PROVISIONAL TIMETABLE**

### **18. Provisional date of invitation to tender**

December 2013

### **19. Provisional commencement date of the contract**

April 2014

### **20. Initial period of implementation of tasks**

The period for implementing the tasks is 12 months from the commencement date of the contract, although the contract may be terminated at short notice. (Article 19 of the special conditions of the contract included in the tender dossier).

The Contracting Authority may, at its own discretion, extend this framework contract in duration up to additional twelve (12) months by amendment to the present contract signed by both parties. Such an amendment shall be subject to a negotiated procedure according to 3.2.4.1 of the Practical Guide to Contract Procedures for EU external actions. The extension will be conditioned and limited by the Mission's mandate and to the availability of corresponding budgetary funds.

## SELECTION AND AWARD CRITERIA

### 21. Selection criteria

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole:

#### **1) Economic and financial capacity of candidate:**

The average annual turnover of the candidate for each of the last 3 financial years (2010, 2011, 2012) must exceed 5 000 000 EUR annually.

#### **2) Professional capacity of candidate:**

1. Each candidate must be a licensed and registered aviation company holding an Air Operator Certificate (AOC) compliant with the prospected flight operations and the certification issuance rules and regulations set by:

- a) International Civil Aviation Organization, ICAO Annex 6, set by Chicago Convention of 7 December 1944 including Standards and Recommendation Practise for Commercial Air Traffic.
- b) EU Commission Regulation n. 965/2012 Subpart J - SPA.HEMS.100 Helicopter emergency medical services (HEMS) operations or equivalent regulation by a national aviation authority regarding HEMS/Air Ambulance services.
- c) EU Commission Regulation n. 216/2008 Article 9.1 referred to Contributing Third States and Western Balkan Region Countries.

The AOC Certificates supplied by the Candidate:

- Shall not be older than 12 months from the day of the bid.
- Shall be accompanied by Letter of Authenticity by Aviation Authority of the country of origin of the company holding the certificate, confirming that the certificate is still in effect, is not under suspension or revocation.
- Shall not have any restriction of flight operations relevant to the prospective tasks.

2. The candidate has to have at least twenty (20) staff currently working for the applicant in fields related to this contract.

3. At least six (6) of all staff working for the candidate this year in fields related to this contract are permanent.

#### **3) Technical capacity of candidate:**

1. The candidate has worked successfully on at least one project in each (or combinations of projects) of the below mentioned fields or at least one major project covering all below mentioned fields in the past three years (2010, 2011, 2012):

- Helicopter flight operations for the transport of persons and cargo
- Night Vision Imaging System (NVIS) Flight Operations with helicopter
- Aerial Photography/Air Surveillance with helicopter
- VIP Transport with helicopter
- Helicopter Hoist Operation (HHO) including Fast Roping (FRIES)
- Helicopter Emergency Medical Service (HEMS)
- Inter-Hospital Transport (Air Ambulance Service) with helicopter.

and

at least one of the listed projects must have a budget of at least 50% of that of this contract.

Previous experience which would have lead to breach of contract and termination by a Contracting Authority shall not be used as reference.

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. It must in that case 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates. The only factor which will be taken into consideration during this re-examination is: the highest value of the project in criteria 3.1.

## **22. Award criteria**

Best value for money.

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# **APPLICATION**

## **23. Deadline for receipt of applications**

On **19 of November 2013 at 15:00 hrs**, (Kosovo time zone) at at EULEX, Procurement Section, Main Warehouse Compound, Zona Industriale Veternik, (opposite Gorenje Hotel,next to fuel station), 10000 Pristina, Kosovo.

Any application received after this deadline will not be considered.

## **24. Application format and details to be provided**

Applications must be submitted using the standard application form , the format and instructions of which must be strictly observed. The application form is available from the following Internet address: [http://ec.europa.eu/europeaid/work/procedures/implementation/services/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_en.htm)

Any additional documentation (brochure, letter, etc) sent with an application will not be taken into consideration.

## **25. How applications may be submitted**

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) to :

**EULEX Kosovo  
Procurement Section  
Main Warehouse Compound  
Zona Industriale Veternik, P.O. Box 268  
(Opposite Gorenje Hotel, next to Fuel Station)  
10000 Pristina, Kosovo**

- OR hand delivered (including courier services) directly to the Contracting Authority in return for

a signed and dated receipt to:

**EULEX Kosovo  
Procurement Section  
Main Warehouse Compound  
Zona Industriale Veternik, P.O. Box 268  
(Opposite Gorenje Hotel, next to Fuel Station)  
10000 Pristina, Kosovo**

The Contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications submitted by any other means will not be considered.

#### **26. Alteration or withdrawal of applications**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

#### **27. Operational language**

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

#### **28. Date of publication of prior information notice**

03 of September 2013

#### **29. 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.

#### **30. Additional information**

Not applicable.