

SUPPLY CONTRACT NOTICE

Framework Contract for the Supply of Medicaments and Consumables

Location – Kosovo

This tender procedure is launched under *suspensive clause*¹ 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/134219/L/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 Council Decision 2010/322/CFSP and Council Decision 2012/291/CFSP of 5th June 2012)

4. Financing

CFSP/2012/9/EULEX KOSOVO - Borchardt

5. Contracting authority

The Head of EULEX Kosovo

CONTRACT SPECIFICATIONS

6. Description of the contract

¹ 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

- a. The subject of the framework contract is to settle the terms governing the supply and delivery of Medicaments and Consumables by the Contractor (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 lots at EULEX Kosovo, Pristina, DAP²,
- b. The framework contract shall be concluded for a period of **1 year (one year)** 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 of the draft contract).
- c. 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.
- d. 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.
- e. Deliveries shall take place within 45 (forty five) calendar days after the receipt by the contractor of a "purchase order".
- f. In case of emergency situations, (e.g. endemic infections, MASCAL, etc.) duly justified by the Contracting Authority, the Contractor must be able to deliver essential items within all two lots within 72 hours after written request made by Contracting Authority

7. Number and titles of lots

Lot 1	Medicaments
Lot 2	Consumables

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

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). 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.

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

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 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.

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	Medicaments	€1,000.00
Lot 2	Consumables	€950.00

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.

15. Period of implementation of tasks

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 45 (forty five) calendar 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:

- 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 (2011 and 2012) must 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)
 - a) has a licence for sale of pharmaceutical products issued by Kosovo Medicine Agency
 - b) the tenderer has a minimum of (5) five staff employed on permanent basis
 - c) at least 20% of all staff working for the tenderer this year in fields related to this contracts are permanent
- 3) Technical capacity of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract)
 - a) the tenderer has worked successfully on at least 2 projects in field related to the subject of these lots in the past three years (2010, 2011 and 2012), the projects shall have a value equivalent to the amount of the financial proposal for each lot tendered.

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 also available from the Contracting Authority at: <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 tenders@eulex-kosovo.eu or to EULEX Procurement Section, Main Warehouse Compound, Zona Industriale Veternik, 10000 Pristina, Kosovo; (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> and EULEX website at: <http://www.eulex-kosovo.eu/en/tenders/>.

19. Deadline for submission of tenders

On **18 April 2013 at 15:00 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Main Warehouse Compound, Zona Industriale 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 **18 April 2013 at 15:30 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Main Warehouse Compound, Zona Industriale Veternik, (opposite Gorenje Hotel,next to fuel station), 10000 Pristina, Kosovo.

Language of the procedure

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

21. Legal basis

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, and Council Decision 2012/291/CFSP of 5th June 2012.