**SUPPLY CONTRACT NOTICE**

**Spare Parts and Maintenance of Mercedes Vehicles**

**Pristina, Kosovo**

1. **Reference**

PROC/1291/24

1. **Procedure**

Local Open

1. **Programme title**

Council Decision (CFSP) 2023/1095 of 05 June 2023 amending the Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).

1. **Financing**

CFSP/2023/10/EULEX Kosovo

1. **Contracting authority**

EULEX Kosovo

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

Unit-price

1. **Contract description**
2. The subject of the framework contract is the supply and delivery of spare parts as well as the performance of some ancillary services for Mercedes vehicles (installation of spare parts, maintenance, repair of vehicles, technical examination, etc.) by the Contractor (see the draft contract, special clauses, and Annex II and III of the Tender Dossier for the relevant description of the items and ancillary services and the yearly estimated quantities that may be ordered during the duration of the framework contract):  in 1 (one) lot, at EULEX Kosovo TRANSPORT WAREHOUSE, Pristina, DAP[[1]](#footnote-1).
3. The framework contract shall be concluded for a period of **12 twelve months** with effect on the date on which it commences. The contract shall be renewed automatically for a period of 12 (twelve) additional months under the same conditions, unless written notification to the contrary is sent by one of the parties and received by the other 5 (five) months before expiry of the first year of the contract. Renewal does not imply any modification or deferment of existing obligations (although the Framework contract may be terminated at short notice. See article 5 of the Draft Framework Contract).
4. 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 “Order Forms”, specifying the list of items intended to be supplied with their respective quantities.
5. Deliveries of spare parts shall take place 21 (twenty one) calendar days from the signature by both parties of an “Order Form” by both parties. Exceptionally, particularly in case of slow mowing items, based on thoroughly justified Contractor’s request and upon approval of the Project Manager, this deadline may be extended to 90 (ninety) calendar days.
6. Ancillary services shall be performed in accordance with the terms of the special conditions of the contract, (see also the “sequence of events and description of ancillary services” in annex II - technical specifications”).
7. **Number and titles of lots**

One lot only

**CONDITIONS OF PARTICIPATION**

1. **Eligibility and rules of origin**

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 Joint Action 2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 Council Decision (CFSP) 2017/973 of 8 June 2017, Council Decision (CFSP) 2018/856 of 8 June 2018, Council Decision (CFSP) 2020/792 of 11 June 2020, Council Decision (CFSP) 2021/904 of 03 June 2021 and Council Decision (CFSP) 2023/1095 of 05 June 2023.

Participation is open to all natural persons and/or legal persons participating either individually or in a grouping (consortium), as authorized by Council Decision (CFSP) 2023/1095 of 05 June 2023 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO). The participation of natural and legal persons in the award of procurement contracts financed out of the Mission's budget is open without limitations. Participation is also open to international organisations.

No rule of origin is applied.

1. **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 Section 2.6.10.1. of the practical guide.

Tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

1. **Number of tenders**

No more than one tender 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 a tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

1. **Performance guarantee**

A performance guarantee will be required only if the value of the individual Order Form is equal or above 20,000 Euro at the time of the issuance of the Order Form referred to in the contract and it is set at 5 % of the amount of the Order Form. The Performance Guarantee must be presented in the form specified in the annex to the tender dossier. It will be released within 60 days of the issue of the final acceptance certificate by the Contracting Authority, except for the proportion assigned to after-sales service. This guarantee must be provided together with the return of the countersigned Order Form no later than 30 days after the tenderer receives the Order Form signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the Order Form will be void.

1. **Information meeting and/or site visit**

No information meeting is planned.

1. **Tender validity**

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

1. **Period of implementation of tasks**

The framework contract shall be concluded for a period of **one (1) year** with effect on the date on which it commences. The contract shall be renewed automatically for a period of 12 (twelve) additional months under the same conditions, unless written notification to the contrary is sent by one of the parties and received by the other 5 (five) months before expiry of the first year of the contract. Renewal does not imply any modification or deferment of existing obligations (although the Framework contract may be terminated at short notice. See article 5 of the Draft Framework Contract).

In case that the mission’s mandate ends earlier this contract is terminated automatically. In addition to the grounds for termination defined in the General Conditions, the Contracting Authority may terminate the contract, in whole or in part, at any time after giving **thirty (30) days notice** to the Contractor, in case EULEX’s mandate was not to be prolonged and/or in case of budgetary issues affecting the financing of the project.

In case of termination of the contract on such grounds, the Contractor shall not be entitled to claim any indemnity for loss suffered.

The Contractor shall only be entitled to claim for sums owing to it for services already provided and/or for services to be provided until the actual date of termination of the contract.

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**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links it has with them. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document**. Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

The following selection criteria will be applied to the tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not 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 the tenderer**(based on item 3 of the tender form). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three financial years for which accounts have been closed.
2. ***The average turnover of the tenderer for the last 3 (three) years must be at least the amount of 90,000.00 Euro.***

**2) Professional capacity of the tenderer (based on items 4 of the tender form).**

The reference period which will be taken into account will be the last three years preceding the submission deadline.

***a) The tenderer must be or must have been authorized over last 10 years for the period of minimum three years to sell the spare parts as well as provide maintenance for the Mercedes vehicles   of the particular make through official distribution chain appropriate for territory of Kosovo.***

***b)*** ***The tenderer must have at least 15 employees permanently employed with the tenderer;***

***c)***       ***The tenderer must have at least 5 qualified employees currently working for the tenderer in fields related to this contract as follows:***

***- 1 manager with minimum 5 years' experience in the relevant area of expertise.***

***- 3 general mechanics/technicians with minimum 10 years' experience in the relevant area of expertise.***

***- 1 after- sales service manager with 7 years' experience in the relevant area of expertise, including spare parts purchase and delivery in international trade market and warehousing.***

3) **Technical capacity of the tenderer** (based on items 5 and 6 of the tender form). The reference period which will be taken into account will be the last three years preceding the submission deadline.

***a) the tenderer has delivered supplies under at least 1 contract with a budget of at least 50.000 euros EUR  in the area of this contract which were implemented during the last 3 years from the submission  deadline.***

This means that the contract the tenderer refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to supply contracts completed within the reference period (although started earlier) or to supply contracts not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a tenderer has implemented the supply contract in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the supplies provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

1. **Award criteria**

Price.

**TENDERING**

1. **How to obtain the tender dossier**

The tender dossier is available from the following Internet address: **https://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 Unit**

**Industrial Zone, St. Lidhja e Pejes P.O.Box 268,**

**10000 Pristina, Kosovo**

**E-mail:** [**tenders@eulex-kosovo.eu**](mailto:tenders@eulex-kosovo.eu)

(mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at the latest 8 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 8 days before the submission deadline on the website at: **https://www.eulex-kosovo.eu/?page=2,6.**

1. **Deadline for submission of tenders**

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[2]](#footnote-2), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

On **01/10/2024 at 14:00 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Industrial Zone, St. Lidhja e Pejes P.O.Box 268, 10000 Pristina, Kosovo.

Any tender submitted to the Contracting Authority after this deadline will not be considered.

**The Contracting Authority may, for reasons of administrative efficiency, reject any tender submitted on time to the postal service but received, for any reason beyond the contra** **Contracting Authority’s control, after the effective date of approval of the evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.**

**How tenders may be submitted**

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

* EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

**EULEX Kosovo – Procurement Unit**

**Industrial Zone, St. Lidhja e Pejes P.O.Box 268,**

**10000 Pristina, Kosovo**

* OR hand delivered by the participant in person or by an agent directly to the premises of the contract Contracting Authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

**EULEX Kosovo – Procurement Unit**

**Industrial Zone, St. Lidhja e Pejes P.O.Box 268,**

**10000 Pristina, Kosovo**

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

Tenders submitted by any other means will not be considered.

By submitting a tender candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the Contracting Authority sends it to the electronic address referred to in the tender.

1. **Tender opening session**

On 01/10/2024 at 14:30 hrs, (Kosovo time zone) at EULEX, Procurement Section, Industrial Zone, St. Lidhja e Pejes P.O.Box 268, 10000 Pristina, Kosovo.

Given the specific circumstances, the tender opening session may be organised by video conference.

In the case that at the date of the opening session some tenders have not been delivered to the Contracting Authority, but their representatives can show evidence that they have been sent on time, the Contracting Authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

1. **Language of the procedure**

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

1. **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 Joint Action 2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 Council Decision (CFSP) 2017/973 of 8 June 2017, Council Decision (CFSP) 2018/856 of 8 June 2018, Council Decision (CFSP) 2020/792 of 11 June 2020, Council Decision (CFSP) 2021/904 of 03 June 2021 and Council Decision (CFSP) 2023/1095 of 05 June 2023.

1. **Additional information**

Financial data to be provided by the tenderer in the standard tender form must be expressed in EUR. If applicable, where a tenderer refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of October 2024, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. DAP (delivery at place) - Incoterms 2020 International Chamber of Commerce: <http://www.iccwbo.org/incoterms/> [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)