**Additional information about the Contract Notice**

**Fleet and fuel management System No.5
Pristina - Kosovo**

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

*This tender procedure is launched under* ***suspensive clause[[1]](#footnote-1)*** *i.e. the contract implementation beyond the duration of the Financing Agreement (CFSP/2021/15/EULEX Kosovo), is subject to the availability of funds of EULEX Kosovo through the conclusion of a new Financing Agreement between the European Commission and the EULEX Kosovo.*

1. **Nature of contract**

 **Global price**

1. **Programme title**

**Council Decision (CFSP) 2021/904 of 03 June 2021 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO).**

1. **Financing**

**CFSP/**2021/15/**EULEX Kosovo**

1. **Eligibility and rules of origin**

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) 2016/1990 of 14 November 2016 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.

1. **Candidature**

**All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.**

**The participation of an ineligible natural or legal person 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.**

1. **Number of applications or tenders**

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

In case of lots, the candidates or tenderers may submit only one application or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

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

No information meeting is planned

1. **Tender validity**

Tenders must remain valid for a period of 3 months 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.

1. **Shortlist alliances prohibited**

**Any tenders received from tenderers having a different composition that the ones 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 practical guide 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.**

1. **Grounds for exclusion**

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the **practical guide (PRAG).**

Candidates or 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. **Sub-contracting**

Sub-contracting is allowed.

1. **Number of candidates to be short-listed**

**On the basis of the applications received, between 4 and 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. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.**

1. **Provisional date of invitation to tender**

October/November 2021

1. **Provisional commencement date of the contract**

February 2022

1. **Period of implementation of tasks**

The period for implementing the tasks is twelve (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 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 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.

**SELECTION AND AWARD CRITERIA**

1. **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 unless specified otherwise. The selection criteria will not be applied to natural persons and single- member companies when they are sub-contractors.

The selection criteria for each tenderer are as follows:

1. **Economic and financial capacity of candidate (**based on item 3 of the application form). In case of a tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

• The average annual turnover of the Tenderer in the past three years must exceed **100,000.00 Euros.**

1. **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years preceding the submission deadline.
* at least 10 staff employed by the candidate in fields related to this contract; and
* The candidate has been operational for the past three years (2018, 2019, 2020).
1. **Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last three years from submission deadline.
* the candidate has completed successfully at least one (1) project**, of analogous scope of service provided for a fleet of a minimum of 250 vehicles in the area of Fleet Monitoring as well as Fleet Maintenance Support (in house and outsourced),** with a budget of at least **90,000.00 Euros** in **fields directly associated to this contract** in the past three years from the tender submission deadline (i.e. from 2018 to 2021)

This means that the contract the candidate 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. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects 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 candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which caused breach of contract and termination by a contracting authority shall not be used as reference.

Capacity-providing entities

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. 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 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined in order to rank their applications and identify the 8 best applications for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the order in which they appear below, are:

* the highest cumulated value of the projects that meet criterion 3;
* the highest number of projects that meet criterion 3.
1. **Award criteria**

Best price-quality ratio.

**APPLICATION AND TENDERING**

1. **Applications 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:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

The application must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

1. **How applications may be submitted**

Applications 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 Section**

**Ndërtesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagja e Spitalit**

**10000 Pristina, Kosovo**

* OR hand delivered by the participant in person or by an agent directly to the premises of the 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 Section**

**Ndërtesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagja e Spitalit**

**10000 Pristina, Kosovo**

* **OR (exceptionally) electronic submission via email at: tenders@eulex-kosovo.eu**

The contract title and publication reference (see contract notice) 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.

By submitting an application 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 application form.

1. **Deadline for submission of applications**

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

In the first case, the application 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 application that will serve as proof.

**The deadline for submission of applications can be found in the Contract Notice under IV.2.2.**

Any application sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

1. **Clarifications on the contract notice**

Clarifications may be sought from the contracting authority at the following email address tenders@ eulex-kosovo.eu at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering accessible from the F&T portal at [*https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home*](https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home)and/or on EULEX Kosovo website at https://www.eulex-kosovo.eu/?page=2,6

at the latest 5 days before the deadline for the submission of applications

1. **Alteration or withdrawal of applications**

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

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

1. **Language of the procedure**

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

**24. Legal basis**[[3]](#footnote-3)

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 and and **Council Decision (CFSP) 2021/904 of 03 June 2020.**

**25. 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 **MONTH and YEAR** of the applicable InforEuro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting tenders, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. See Paragraph 2.6.12 of Practical Guide to Contract procedures for EU external actions. <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B> [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)
3. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-3)