

## SERVICE PROCUREMENT NOTICE

### Support to the capacities in the Ministries of Justice in Bosnia and Herzegovina for strategic planning, aid co-ordination and European integration

Bosnia and Herzegovina  
EC/BiH/TEN/08/051

#### 1. Publication reference

EuropeAid/127521/C/SER/BA

#### 2. Procedure

Restricted

#### 3. Programme

Instrument for Pre-Accession 2007

#### 4. Financing

BGUE-B2009-22.020200-C8-ELARG DELBIH

#### 5. Contracting Authority

European Community, represented by the European Commission on behalf of and for the account of the beneficiary country.

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## CONTRACT SPECIFICATION

#### 6. Nature of contract

Fee-based

#### 7. Contract description

The overall objective of the project is to strengthen the justice sector and the related European integration process in Bosnia and Herzegovina (BiH).

The purpose of the project is to assist the State and Entities' Ministries of Justice and more specifically their institutional capacities for strategic planning, aid co-ordination and European integration in:

- Monitoring the implementation of Strategy for the development of the justice sector in BiH and the European integration agenda for the mentioned sector;
- Coordinating the deployment of multilateral and bilateral aid in support of the Strategy for the development of the justice sector;

Preparing for the implementation of the Stabilisation and Association Agreement (SAA) and approximation to the *acquis communautaire* related to Justice sector

#### 8. Numbers and titles of lots

Not Applicable

#### 9. Maximum budget

EUR 800,000.00

## 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.

# CONDITIONS OF PARTICIPATION

## 11. Eligibility

Participation is open to all legal persons, participating either individually or in a grouping (consortium) of candidates, which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see also item 30 below). The website where Annex for eligibility under IPA programme is published is

[http://ec.europa.eu/europeaid/work/procedures/implementation/eligibility/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/eligibility/index_en.htm), next enter **GENERAL ANNEX A2 Eligibility programmes 2007-2013** and go to **Instrument for Pre-Accession Assistance (Council Regulation (EC) N° 1085/2006 - OJ L 210/82 of 31.7.2006)**.

Participation is also open to international organisations. The participation of natural persons is 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. 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

Sub-contracting will not be 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**

June 2009

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

October 2009

### **20. Initial period of execution and possible extension of the contract**

Initial period of execution is 18 months.

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## **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 (based on item 3 of the application form). In case of applicant being a public body, equivalent information should be provided.

(a) The average annual turnover of the candidate for the last two years must exceed 1 million Euro.

2) Professional capacity of candidate (based on items 4 and 5 of the application form)

(a) At least 3 of the staff currently work for the applicant in the fields related to this contract.

(b) At least 10 staff working for the candidate are permanent.

3) Technical capacity of candidate (based on items 5 and 6 of the application form)

(a) The candidate has worked successfully on at least two projects with a budget of at least that of this contract in fields related to this contract over the last 36 months prior the launch of this tender. The proportion carried out by the candidate must exceed 60%.

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 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 applications for the tender procedure. The only factor, which will be taken into consideration

during this re-examination, is in the following order:

- (a) The number of projects that fulfill the technical capacity of candidate criterion defined under section criteria, point 3)(a).
- (b) The total value of the proportion of the relevant projects as defined under criterion 3(a)

## **22. Award criteria**

Best value for money.

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# **APPLICATION**

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

27 April 2009 at 12:00 hrs CE time.

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 (available from the following Internet address: [http://ec.europa.eu/europeaid/work/procedures/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/index_en.htm)), next enter IMPLEMENTATION, chose service contract and go to relevant annexes. The format and instructions must be strictly observed.

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:

- EITHER by recorded delivery (official postal service) to OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to :

Delegation of the European Commission to Bosnia and Herzegovina  
Contracts and Finance Section - Procurement Team  
Skenderija 3A, 71 000 Sarajevo, Bosnia and Herzegovina

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 tenders. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Clause 25. The outer envelope (and the relevant inner envelope) 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. Additional information**

Not Applicable

**29. Date of publication of contract forecast**

9 September 2008

**30. Legal basis**

Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)