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**BA-Sarajevo: IPA — development of an EU 'acquis'-compliant
electricity legislative framework in Bosnia and Herzegovina
2012/S 20-031232**

Location: Europe (non-EU) — Bosnia and Herzegovina

Service procurement notice

Common procurement vocabulary (CPV):

Main object:

71356200 Technical assistance services — KA16 For the energy industry

1. **Publication reference:**
EuropeAid/131721/C/SER/BA.
Internet address(es):
General address of the contracting authority: <http://www.europa.ba>
2. **Procedure:**
Restricted.
3. **Programme:**
IPA.
4. **Financing:**
Financing agreement.
5. **Contracting authority:**
European Union, represented by the European Commission, on behalf of and for the account of the beneficiary country, Sarajevo, BOSNIA AND HERZEGOVINA.
6. **Nature of contract:**
Fee-based.
7. **Contract description:**
The overall objective of the project is to provide technical assistance for the alignment and transposition of the EU electricity legislation into the respective legislation applicable in Bosnia and Herzegovina taking into account EU's best practice and including the 3rd energy package of the EU.
The technical assistance should be based on concordance tables which the Delegation of the European Union to Bosnia and Herzegovina commissioned in autumn 2011, which were finalised in December 2011, and will be made available to the consultant. Apart from these concordance tables, additional inputs for reference will be provided by the Energy Community Secretariat.
8. **Numbers and titles of lots:**
The contract is divided into lots: No, 1 lot only.
9. **Budget:**
Maximum budget: 1 350 000 EUR.
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 29 below). 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 (i.e., 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 1 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 1 application, all applications in which that person has participated will be excluded.
14. **Shortlist alliances prohibited:**
Any tenders received from tenderers having a different composition than the ones on the 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. Shortlisted 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 EU external actions'.
16. **Subcontracting:**
Subcontracting is allowed.
Maximum percentage of the contract value which may be subcontracted: 20 %.
17. **Number of candidates to be shortlisted:**
On the basis of the applications received, at least 4 and at most 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.

Provisional timetable

18. **Provisional date of invitation to tender:**
2.4.2012.
19. **Provisional commencement date of the contract:**
1.8.2012.
20. **Initial period of implementation of tasks:**

Duration in months: 11.

Selection and award criteria

21. **Selection criteria:**

Same criteria for legal and natural person.

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:

In the case of the applicant being a public body equivalent information should be provided:

1. the average annual turnover of the candidate for the last 3 years must be at least 2 000 000 EUR.

2) Professional capacity of candidate:

1. at least 5 permanent staff currently work in the field of this contract (electricity legislation).

3) Technical capacity of candidate:

1. the candidate has worked successfully on at least 2 completed projects in the field of this contract (electricity legislation) in the last 36 months prior to the date of publication of this procurement notice. The proportion carried out by the candidate must be at least 70 %;

2. the budget of at least 1 of the aforementioned projects must be above or equal to 1 000 000 EUR;

3. at least 1 of the aforementioned projects must have been carried out in EU Member States or any of the countries with official status of EU candidate or potential candidate country.

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 tenderers rely in majority on the capacities of other entities or when they rely on key criteria. If the candidate 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, 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.

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 to identify the 8 best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

A) number of projects under 3(3) related to alignment of electricity legislation with EU 'acquis' standards.

If several candidates have the same number of projects under (A), then:

B) total value of the contribution of the candidate for the projects under (A).

22. **Award criteria:**

Best value for money.

Application

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

2.3.2012 (14:00), Central European 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, the format and instructions of which must be strictly observed. The application form is available at the following Internet address: 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 exclusively to the contracting authority in the following language: English — either by recorded delivery (official postal service) to:

Delegation of the European Union to Bosnia and Herzegovina, Procurement Section, Skenderija 3a, 71000 Sarajevo, BOSNIA AND HERZEGOVINA,

— or hand delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to:

For the attention of: Procurement Section, Delegation of the European Union to Bosnia and Herzegovina. Tel. +387 33254700.

Opening hours: 9:00–14:00

As in abovementioned address.

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 applications 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 contract forecast notice:**

20.7.2011.

Notice number in OJ: [2011/S 137-226787](#).

29. **Legal basis:**

IPA 2008 (to be completed once the amendment to the IPA 2008 Financing Decision is adopted).

30. **Additional information**

31. **Date of dispatch of this notice:**

19.1.2012.