

SERVICE CONTRACT NOTICE

Strengthening Public Procurement System in BiH Europe (non EU)

1. Publication reference

EuropeAid/134280/C/SER/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/countries

CONTRACT SPECIFICATION

6. Nature of contract

- Fee-based

7. Contract description

The objective of the project is to contribute to the development and implementation of a sound and efficient legal, institutional and operational foundation for an effective functioning of the public procurement system in Bosnia and Herzegovina, in accordance with EU standards and institutional models and practices, including the use of modern information technology and e-procurement techniques.

The indicative activities will support the implementation of new public procurement legislation - legislatively, institutionally and operationally; support the effective functioning of the central public procurement institutions (PPA and PRB); support the effective functioning of operational public procurement structures within contracting authorities and economic operators; develop and support a long term sustainable capacity building and training system and provide training for the BiH public procurement community; develop and promote policies and measures on fighting corruption in public procurement; and support further development of electronic system of monitoring public procurement processes.

8. Number and titles of lots

- No, one lot only.

9. Maximum budget

1.500.000 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 (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 unless prior approval from the Contracting Authority has been obtained (see Prag 2.4.3.). 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

Subcontracting is 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.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

16/09/2013

19. Provisional commencement date of the contract

01/12/2013

20. Initial period of implementation of tasks

24 months

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 (based on item 3 of the application form)

In case of candidate being a public body, equivalent information should be provided.

Criteria:

1. The annual turnover of the candidate for each of the last three years (2012, 2011 and 2010) must exceed 1 million Euros.

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

Criteria:

1. At least 5 permanent staff currently work for the applicant in fields related to this contract.

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

Criteria:

1. The candidate has worked successfully on at least two (2) technical assistance projects with a budget of at least 1 million Euros each, where the proportion carried out by the candidate was at least 50%. The projects should have dealt exclusively with support to a country's public procurement system, legislative framework, institutions and practices and should have been completed during the 36 months prior to the deadline for submission of applications.

The project the candidate refers to could have been started/implemented/completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. The candidate may refer to a part of a project where the contract is not yet completed, but then only the part which is successfully completed may be used as reference. The overall budget of the project, the amount, scope and the end date of the part already completed as well as proportion carried out by the candidate must be clearly presented in the experience reference. The candidate needs to be able to submit documentary evidence of this part's successful completion, e.g. a statement from the entity which ordered or purchased the service.

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.

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, 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.

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 candidates. The only factors which will be taken into consideration during this re-examination are:

- The number of projects relevant per criterion 3.1.
- total value of the proportion carried out by the candidate in projects eligible per criterion 3.1.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

Must be at the close of business of a working day at least 30 calendar days after the date of publication of this procurement notice

16:00 Central European Time on 16/08/2013

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 from 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 in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) to :
Delegation of the European Union to Bosnia and Herzegovina
Skenderija 3a
Sarajevo, 71 000, Bosnia and Herzegovina (BA)
- 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

Opening hours: Monday-Thursday: 08:30-17:30; Fridays: 08:30-14:00

- As in above mentioned 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 application 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 prior information notice

Must have been at least 30 calendar days before the publication of this contract notice

Date: 04/04/2013

Notice number in OJ: 2013/S 066 - 109498

29. Legal basis

BUDGET

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

30. Additional information

n/a