

SERVICE CONTRACT NOTICE

Capacity building of the Institute for Intellectual Property through the establishment of information-educational centers of the Institute

Bosnia and Herzegovina

1. Publication reference

EuropeAid/134241/C/SER/BA

2. Procedure

Restricted

3. Programme

IPA 2011

4. Financing

BGUE-B2013-22.020200-C8-ELARG DELBIH

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 purposes of this contract is to strengthen the information and educational function of the Institute for Intellectual Property of Bosnia and Herzegovina.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 700,000

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

10/01/2014

19. Provisional commencement date of the contract

01/05/2014

20. Initial period of implementation of tasks

15 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

Same criteria for legal and natural persons

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 annual turn over of the candidate(s) for each of the two last years (2011 and 2012) must be at least €700,000.
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
 - a) At least five permanent staff employed by the candidate(s) work currently in the fields related to the intellectual property rights.
- 3) Technical capacity of candidate (based on items 5 and 6 of the application form)
 - a) Over the last 36 months prior to the submission deadline, candidate(s) have worked successfully on at least one project in the fields related to the intellectual property rights. Project value of minimum €600,000 and the proportion carried out by the candidate(s) must be at least 70%."

This means that 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. In such cases, the candidate must include in the presentation of the experience reference (section 6 of the tender submission form) a description of services actually completed in the requested period (list of outputs etc...) and its financial value. 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 lead 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:

- a) The number of valid references as per criterion 3(a).
- b) The total financial value of the valid references as per criterion 3(a).

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

16:00 Central European Time on 21 November 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:

- EITHER by recorded delivery (official postal service) to :
The Delegation of the European Union to BiH
Procurement Team,
Skenderija 3a, 71 000 Sarajevo, Bosnia and Herzegovina
- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:
The Delegation of the European Union to BiH
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 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

27/03/2013

29. Legal basis

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

30. Additional information

The present service procedure is launched with a "suspensive clause" in a reference to 2.4.12 of the Practical Guide to contract procedures for EU external actions. The procedure shall invariably be cancelled if the Addendum to the Financing Agreement for IPA 2011 National Programme Component I- Bosnia and Herzegovina is not signed.