

SUPPLY PROCUREMENT NOTICE

Framework Contract for the Supply of Fuel No. 2

Kosovo

1. Publication reference

EuropeAid/133398/D/SUP/XK/Framework Contract for the Supply of Fuel No. 2 (PROC/376/12)

2. Procedure

International Open

3. Programme

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 JA 2009/445/CFSP and by Council Decision 2010/322/CFSP and Council Decision 2012/291/CFSP.

4. Financing

Contract No CFSP/2012/9/EULEX Kosovo – Bout de Marnhac

This tender procedure is launched under **suspensive clause** i.e. provision of the services concerned is subject to availability of the budget funds¹

5. Contracting authority

The Head of EULEX Kosovo

CONTRACT SPECIFICATIONS

6. Description of the contract

a) The subject of the framework contract is the supply and delivery of diesel, petrol, LPG, oils, lubricants and associated products by the Contractor (see Annex II and III of the Tender Dossier for the relevant description of the items and the estimated quantities per yearly consumption), for EULEX Kosovo, Pristina, DAP2:

- Fuels, i.e. diesel and petrol at/to Contracting Authorities' fuel distribution points (to

¹ See paragraph 2.4.12, of the Practical Guide to Contract procedures for EU external actions.

² DAP (delivery at place) - Incoterms 2010 International Chamber of [Commerce](http://www.iccwbo.org/incoterms/id3040/index.html) - <http://www.iccwbo.org/incoterms/id3040/index.html>

be set up by the Contractor), vehicles and generators in Kosovo including the provision of associated services as set out in Annex II+III of the Tender Dossier;

- LPG, oils, lubricants and associated products at/to Contracting Authorities' Warehouse in Pristina.
- b) The framework contract shall be concluded for a period of **2 (two) years** with effect on the date on which it enters into force, (although the Framework contract may be terminated at short notice. See article 36 of the special conditions of the draft contract).
- c) The contracting authority may, at its own discretion extend this framework 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 framework contract. Any extension will be conditioned and limited by the Mission's mandate, the availability of corresponding budgetary funds and the satisfactory fulfillment of its obligations by the contractor.
- d) The signature of the framework contract imposes no obligation on the Contracting Authority to purchase any of the quantities estimated in Annex II and III of the "tender dossier".

7. Number and titles of lots

This tendering procedure is not divided into lots.

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation in tendering is open to all legal persons participating either individually or in a grouping (consortium) or tenderers which are established in a Member State of the European Union in an official candidate country, or a country that is a beneficiary of the Instrument for Pre-Accession Assistance, in a Member State of the European Economic Area, a country of the Western Balkans region or a contributing third state, as authorized by Council Joint Action 2008/124/CFSP of 04 February 2008 on EULEX KOSOVO as amended by JA 2009/445/CFSP and by Council Decision 2010/322/CFSP). The participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

No rule of origin is applied.

9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Supply Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the Practical Guide to contracts procedures for EU external actions.

10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.

11. Tender guarantee

Tenderers must provide a tender guarantee of **Euros 20,000.00**, when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer(s) upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfill all obligations stated in its tender.

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of **10% (ten %)** of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

13. Information meeting and/or site visit

No information meeting is planned

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

15. Period of implementation of tasks

The framework contract will enter into force on the date of its signature by both parties. The framework contract shall be concluded for a period of 2 (two) years with effect on the date on which it enters into force, (although the Framework contract may be terminated at short notice. See article 36 of the special conditions of the draft contract).

The contracting authority may, at its own discretion extend this framework 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 framework contract. Any extension will be conditioned and limited by the Mission's mandate, the availability of corresponding budgetary funds and the satisfactory fulfillment of its obligations by the contractor.

Specific contracts based on this framework contract are only concluded in case of:

- a) Fuels, when filled into fuel reservoirs of by the Contracting Authority authorized vehicles, generators etc. and signature of a corresponding receipt (Annex II+III, paragraph 23) by persons authorized from the Contracting Authority during the duration of the framework contract;
 - b) LPG, oils, lubricants and associated products following the issuance and in accordance with the terms set in the purchase orders to be issued by the Contracting Authority during the duration of the framework contract.
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SELECTION AND AWARD CRITERIA

16. Selection criteria

The following selection criteria will be applied to tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole:

- 1) Economic and financial capacity of tenderer (based on i.a. item 3 of the Tender Form for a Supply Contract). In case of tenderer being a public body, equivalent information should be provided.
 - a) the average annual turnover of the tenderer for the last three years (i.e. 2009, 2010 and 2011) concerning the supplies plus the ancillary services like distribution etc. covered by the framework contract must be at least twice of the amount of its financial proposal of the tender;
- 2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract)
 - a) the tenderer has obtained all Governmental Approvals from the Republic of Kosovo necessary for the performance of the Contractor's obligation under the framework contract, in particular that the tenderer holds valid license(s) pursuant to the Law No. 2004/5 on Trade of Petroleum and Petroleum Products in Kosovo covering all activities required by this tender;
 - b) the tenderer has a minimum of 50 staff employed;
 - c) the tenderer has a minimum of 10 staff employed to fulfil the requirements of this contract (i.e. 1 Technical manager, 1 Project manager, 1 Fuel assistant, 4 Fuel attendants, 3 Fuel truck drivers). Minimum educational background for the above 10 staff appointed to fulfil the requirements of this contract is a high school with at least 5 years of relevant working experience. Certificates must be provided to prove that the above 10 staff have adequate training in fire fighting. Also, a valid ADR certificates must be provided for the fuel truck drivers (which needs to be renewed every 5 years).

In addition, all staff present in fuel supply chain (including Contractors focal point / Fuel Manager) need to have adequate training in fire fighting with adequate certification, in addition all fuel truck drivers have to hold a valid ADR certificate (which needs to be renewed every 5 years). The certificates must be provided to the Contracting Authority, upon request;
- 3) Technical capacity of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract)
 - a) the tenderer has worked on at least 5 projects with similar subjects (i.e. supply and distribution of petroleum products to vehicles & generators and associated products to at least 5 different locations within a territory of similar size to the Republic of Kosovo) with a budget equivalent to that of this contract in the past three years (i.e. 2009, 2010 and 2011);
 - b) Equipment Description:

- the tenderer has at least 6 (six) fuel trucks, with minimum capacity of 8000 litres, 1 (one) high mobility fuel truck min. capacity 5000 litres all equipped with pumps, meters and filter separators at his disposal;
 - the tenderer has storage capacity and facilities at his disposal which must be of sufficient capacity of at least 2,000,000.00 litres of diesel in the region of Kosovo to maintain a minimum local reserve of fourteen (14) Days of Supply (DOS) in addition to operating stocks as determined by the Contractor, based on the proposed re-supply cycle. Details of local reserve quantities and estimated consumption per location are in attached Annex 1;
- c) Duly signed guarantee letter from main fuel producer/supplier (oil refinery) that potential contractor will be able to supply required quality of petroleum products (Diesel and Petrol)

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 tenderer rely in majority on the capacities of other entities or when they rely on key criteria. If the tenderer rely on other entities it must 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.

17. Award criteria

Price.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the Contracting Authority at: <http://www.eulex-kosovo.eu/en/tenders/>. Tenders must be submitted using the standard Tender Form for a Supply Contract included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to:

EULEX Kosovo – Procurement Section
Main Warehouse Compound
Industrial Zone Veternik
(opposite Gorenje Hotel, next to fuel station)
10000 Pristina, Kosovo
E-mail: tenders@eulex-kosovo.eu

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and EULEX website at: <http://www.eulex-kosovo.eu/en/tenders/>.

19. Deadline for submission of tenders

On **09 January 2013 at 15:00 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Main Warehouse Compound, Industrial Zone Veternik, (opposite Gorenje Hotel, next to fuel station), 10000 Pristina, Kosovo.

Any tender received after this deadline will not be considered.

20. Tender opening session

On **09 January 2013 at 15:30 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Main Warehouse Compound, Industrial Zone Veternik, (opposite Gorenje Hotel, next to fuel station), 10000 Pristina, Kosovo.

21. Language of the procedure

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

22. Legal basis

Council Joint Action 2008/124/CFSP of 04 February 2008, on EULEX Kosovo as amended by JA 2009/445/CFSP and by Council Decision 2010/322/CFSP and Council Decision 2012/291/CFSP.