**Additional information about the Contract Notice**

**PROC/1088/21/Fuel Supply no.8**

 **Pristina – Kosovo**

**Please note that the awarding of the contract is subject to the condition of:**

*This tender procedure is launched under* ***suspensive clause[[1]](#footnote-1)*** *i.e. the contract implementation beyond the duration of the Contribution Agreement (CFSP/2021/15/EULEX Kosovo), is subject to the availability of funds of EULEX Kosovo through the conclusion of a new Contribution Agreement between the European Commission and the EULEX Kosovo*

1. **Nature of contract**

**Unit price**

1. **Programme title**

**Council Decision (CFSP) 2021/904 of 03 June 2021 amending the Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX Kosovo).**

1. **Financing**

**CFSP/2021/15/EULEX Kosovo**

1. **Legal basis, eligibility and rules of origin**

The legal basis of this procedure is: 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 Joint Action 2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 Council Decision (CFSP) 2017/973 of 8 June 2017, Council Decision (CFSP) 2018/856 of 8 June 2018, Council Decision (CFSP) 2020/792 of 11 June 2020 and Council Decision (CFSP) 2021/904 of 03 June 2021.

Participation is open to all natural persons and/or legal persons participating either individually or in a grouping (consortium), as authorized by Council Decision (CFSP) 2016/1990 of 14 November 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO). The participation of natural and legal persons in the award of procurement contracts financed out of the Mission's budget is open without limitations.

Participation is also open to international organisations.

All supplies under this contract may originate in any country.

1. **Candidature**

**All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.**

**A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.**

**The participation or tender of an ineligible natural or legal person 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.**

1. **Number of requests to participate or tenders**

**No more than one request to participate or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.**

In case of lots, the candidates or tenderers may submit only one request to participate or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

1. **Sub-contracting**

Sub-contracting is allowed.

1. **Provisional commencement date of the contract**

June 2022

1. **Period of implementation of tasks**

**The framework contract is concluded for a period of 1 year** with effect from the date on which it enters into force i.e. on **15/06/2022**. **The framework contract shall be** **renewed** **formally through an addendum for a period of 1 additional year, bringing the total maximum duration to 2 years** under the same conditions, unless written notification to the contrary is sent by one of the parties and received by the other 5 months before expiry of the first year of the framework contract. Renewal does not imply any modification or deferment of existing obligations.

Additionally, please note that the Framework contract may be terminated at short notice. See article 36 of the special conditions of the contract).

1. **Language of the procedure**

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

1. **Additional information**

Financial data to be provided by the tenderer in the standard tender form must be expressed in EUR. If applicable, where a tenderer refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of **MONTH and YEAR** of the applicable InforEuro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting tenders, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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. If the economic operator 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 the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document**. Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

1. **Economic and financial capacity** **(**based on item 3 of the request to participate form, or on item 3 of supply tender form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

**Lot 1:**

1. the average **annual turnover** of the tenderer for the last three years **must exceed 600,000.00 Euros.**

**Lot 2:**

* the average **annual turnover** of the tenderer for the last three years **must exceed 50,000.00 Euros.**

**Note: if a tenderer submits an offer for both lots, the requirements are cumulative.**

**2)** **Professional capacity** (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.

**Lot 1:**

1. the tenderer holds a valid license(s) pursuant to the Law No. 03/L – 138 art. 4, issued by the Kosovo Ministry of Trade and Industry of the Republic of Kosovo, on Trade of Oils and Lubricants.

(b)   the tenderer has **a minimum of 20 staff employed**;

(c)  the tenderer has **a minimum of 7 staff employed to fulfil the requirements of this contract** (i.e. 1 project manager, 1 financial assistant, 3 fuel attendants, 2 fuel truck drivers). Minimum educational background for the above 7 staff appointed to fulfil the requirements of this contract is high school with at least 3 years of relevant working experience. Certificates must be provided to prove that the fuel attendance staff have adequate training in firefighting. Additionally, a valid ADR certificates (i.e. The European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) Documentation required to carry dangerous goods) must be provided for the fuel truck drivers.

**Lot 2:**

1. tenderer holds a valid license(s) pursuant to the Law No. 03/L – 138 art. 4, issued by the Kosovo Ministry of Trade and Industry of the Republic of Kosovo, on Trade of Oils and Lubricants.
2. the tenderer has **a minimum of 2 staff employed.**

**Note: if a tenderer submits an offer for both lots, the requirements are cumulative.**

1. **Technical capacity** (based on items 5 and 6 of the request to participate form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years from submission deadline.

**Lot 1:**

(a)      the tenderer has delivered supplies **under at least** **three (3) contracts** in fields related to the subject of this contract (i.e. supply and distribution of petroleum products to vehicles & generators) to **at least 5 (five) different locations** for each contract within a territory of similar size to the Republic of Kosovo **with a budget of at least 600,000.00 each**; which were implemented during the past three (3) years from the submission deadline (i.e. 2019 to 2022).

(b)Equipment Description:

the tenderer has at least 4 (four) fuel trucks, with minimum capacity of 8000 liters, 1 (one) high mobility fuel truck min. capacity 5000 liters all equipped with pumps, meters and filter separators at his disposal;

(c)   the tenderer has **storage capacity** and facilities at his disposal which must be of sufficient capacity of at least **500,00.00** liters of diesel in the region of Kosovo to maintain a minimum local reserve.

(d)  **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).

**Lot 2**

1. The tenderer has delivered supplies under at least one (1) contract with a budget of at least **30,000.00 Euros** in fields related to the subject of this contract, which was implemented during the past three (3) years from the submission deadline (i.e. 2019 to 2022).

**Note: if a tenderer submits an offer for both lots, the requirements are cumulative.**

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.

1. **Award criteria**

Price

**TENDERING**

1. **How to obtain the tender dossier**

The tender dossier is available from the TED E-Tendering platform at the following Internet address: [**https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6677**](https://etendering.ted.europa.eu/cft/cft-display.html?cftId=6677)

The tender dossier is also available from the Contracting Authority from the following Internet address: **https://www.eulex-kosovo.eu/?page=2,6**.

Tenders must be submitted using the standard tender form 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**

**Ndertesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagjja Spitalit**

**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 ‘**Deadline for submission of tenders or tenders’**. The contracting authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Possible clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home> and on the EULEX website: **https://www.eulex-kosovo.eu/?page=2,6**

1. **Tender opening session**

On 19/04/2022 at 15:30 hrs**,** (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo.

Given the specific circumstances, the tender opening session may be organised by video conference.

1. **How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope.

EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

**EULEX Kosovo – Procurement Section**

**Ndertesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagjja Spitalit**

**10000 Pristina, Kosovo**

OR **hand delivere**d by the participant in person or by an agent **directly** to the premises of the contracting authority in return for a **signed and dated receipt**, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

**EULEX Kosovo – Procurement Section**

**Ndertesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagjja Spitalit**

**10000 Pristina, Kosovo
Opening hours: 08:00 to 17:00hrs**

**OR (exceptionally) electronic submission via email at: tenders@eulex-kosovo.eu.**

The **contract title** and the **Publication reference** (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

**Tenders submitted by any other means will not be considered.**

By submitting a tender accepts to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the tender.

1. **Deadline for submission of tenders**

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery and exceptionally electronic submission.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[2]](#footnote-2), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

1. **The deadline for submission of tenders can be found in the Contract Notice under IV.2.2.**

Any tender received by the Contracting Authority after this deadline will not be considered**.**

The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

1. **Language of the procedure**

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

1. See Paragraph 2.6.12 of Practical Guide to Contract procedures for EU external actions. <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B> [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)