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## **WORKS CONTRACT NOTICE**

### **Relocation of Polish FPU Camp in Mitrovica**

**Kosovo**

**1. Publication reference**

PROC/663/16 (EuropeAid/138408/IH/WKS/XK)

**2. Procedure**

Local Open

**3. Programme title**

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, Council Decision 2012/291/CFSP, Council Decision 2013/241/CFSP, Council Decision 2014/349/CFSP, Council Decision 2014/685/CFSP of 29 September 2014, Council Decision 2015/901/CFSP of 11 June 2015 and Council Decision 2016/947 of 14 June 2016.

**4. Financing**

CFSP/2016/11/EULEX Kosovo

**5. Contracting Authority**

EULEX Kosovo

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## **CONTRACT SPECIFICATIONS**

**6. Description of the contract**

The subject of the framework contract is the relocation of the Polish FPU Camp in Mitrovica, (please see Annex III Technical Specification and the Bill of Quantity of the Tender Dossier for further details). The period of implementation of tasks shall be 10 weeks from the signature of the contract.

This contract is not divided into lots.

## TERMS OF PARTICIPATION

### 7. Eligibility and rules of origin

Participation is open to all legal persons participating either individually or in a grouping (consortium of tenders) 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, by Council Decision 2010/322/CFSP and Council Decision 2013/241/CFSP, Council Decision 2014/349/CFSP, Council Decision 2014/685/CFSP of 29 September 2014, 2015/901/CFSP of 11 June 2015 and 2016/947/CFSP of 14 June 2016 . Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

### 8. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Works Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the **Practical Guide**.

### 9. Number of tenders

Tenderers may submit only one tender. Additionally, tenderers **may not** submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

### 10. Tender guarantee

Tenderers must provide a tender guarantee of **2,500.00 Euro** 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 fulfil all obligations stated in its tender.

### 11. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of **10 %** 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.

### 12. Information meeting and/or site visit

A **mandatory** information meeting and site visit will be held on **Tuesday, 4<sup>th</sup> of October 2016, at 10:30 hrs**, at EULEX Log-Base, Industrial Zone, Ferki Lisica Street n.n, 40000 Mitrovica – Kosovo

### 13. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

#### **14. Period of implementation of tasks**

The period of implementation of tasks shall be 10 (ten) weeks after signature of the contract.

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### **SELECTION AND AWARD CRITERIA**

#### **15. 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  
In case of tenderer 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.
  - The average turnover of the tenderer for the last three (3) years (i.e. 2015, 2014 and 2013) must be at least equal or exceed the financial proposal.
- 2) **Technical and Professional capacity of tenderer** (based on i.a. items 4 and 5 of the Tender Form)
  - The tenderer must have completed at least **3** projects of the same nature/amount/complexity as the works concerned by the tender and implemented during the following period: 2011-2015. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

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.

With regard to technical and professional criteria, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

#### **16. Award criteria**

The most economically advantageous tender is the technically compliant tender with the lowest price.

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## TENDERING

### 17. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <http://www.eulex-kosovo.eu/?page=2.6>. The tender dossier is also available from the Contracting Authority. 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**  
**Ndertesa Farmed**  
**“Muharrem Fejza” p.n.**  
**Lagjja Spitalit**  
**10000 Pristina, Kosovo**  
**E-mail: [tenders@eulex-kosovo.eu](mailto: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 EULEX website at <http://www.eulex-kosovo.eu/?page=2.6>

### 18. Deadline for submission of tenders

On **26 October 2016 at 15:00 hrs**, Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo Any tender received by the Contracting Authority after this deadline will not be considered.

### 19. Tender opening session

On **26 October 2016 at 15:30 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Ndertesa Farmed, “Muharrem Fejza” p.n. Lagja e Spitalit, 10000 Pristina, Kosovo

### 20. Language of the procedure

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

### 21. Legal basis<sup>1</sup>

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, Council Decision 2012/291/CFSP, Council Decision 2013/241/CFSP, Council Decision 2014/349/CFSP, Council Decision 2014/685/CFSP of 29 September 2014, Council Decision 2015/901/CFSP of 11 June 2015 and Council Decision 2016/947 of 14 June 2016.

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<sup>1</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).