

SERVICE CONTRACT NOTICE

Third Party Liability Insurance Services No 3 Kosovo

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

This tender procedure is launched under *suspensive clause*¹ i.e. the award of this specific tender is subject to the provision of funding to EULEX through the conclusion of a Contract between the European Commission and the EULEX Head of Mission.

1. Publication reference

EuropeAid/135112/D/SER/XK/Third Party Liability Insurance Services No 3 (PROC/460/13)

2. Procedure

Restricted

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, Council Decision 2012/291/CFSP and Council Decision 2013/241/CFSP of 27 May 2013.

4. Financing

CFSP/2013/9/EULEX KOSOVO - Borchardt

5. Contracting Authority

The Head of EULEX Kosovo

CONTRACT SPECIFICATION

6. Nature of contract

Global price framework contract.

7. Contract description

The purpose of this contract is to provide EULEX and its Head of Mission with Third Party Liability insurance to cover it for liability it may owe to third parties (including cross liability as between contracted and seconded members of the mission) for injuries that they may sustain for which EULEX Head of Mission is liable and in particular the Third Party Liability insurance should extend

¹ See Paragraph 2.3.6 of Practical Guide to Contract procedures for EU external actions.
http://ec.europa.eu/europeaid/work/procedures/implementation/practical_guide/documents/2008new_prag_final_en.pdf

to cover the liability to third parties for, firstly, damage or injury caused by the use of the weapons and or other security equipment (whether explosive or otherwise) which is available to and used by contracted personnel and, secondly, damage or injury caused by the use of the weapons and other security equipment (whether explosive or otherwise) provided or available to and used by seconded personnel as and from the date of inception of the insurance policy.

8. Number and titles of lots

No, one lot only.

9. Maximum budget

350,000.00 EUR (per year)

10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration 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. The cost and duration of the additional services would be agreed by negotiated procedure.

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 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 Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP of 5th June 2012 and Council Decision 2013/241/CFSP of 27 May 2013). 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.

The participation of the insurance brokers constituting an insurance company/broker group is open, on the condition, however, that in case of the award, the contract must be concluded only with the broker.

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.

Maximum percentage of the contract value which may be subcontracted: 30 %

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

February 2014

19. Provisional commencement date of the contract

16 June 2014

20. Initial period of implementation of tasks

The period for implementing the tasks is twelve (12) months from the commencement date of the contract, although the contract may be terminated at short notice. (*Article 19 of the special conditions of the contract included in the tender dossier*).

The contracting authority may, at its own discretion extend this 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 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.

SELECTION AND AWARD CRITERIA

21. Selection criteria

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.

- total average annual turnover of candidate(s) for the last three years (2010, 2011 and 2012) must exceed three (3) times the maximum budget of the contract;

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

- at least 10 staff currently work for the candidate in fields related to this contract; and
- at least 4 staff working for the candidate this year in fields related to this contract are permanent.

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

- candidate(s) have (all) worked on at least one (1) major project similar to this in fields related to the contract i.e. the provision of Third Part Liability insurance for armed personnel in the past three (3) years (2010, 2011 and 2012).

Previous experience which would have lead to breach of contract and termination by a Contracting Authority shall not be used as reference.

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:

- 1) The total average annual turnover of candidate(s);
- 2) The number of projects related to this contract completed in the last three years (2010, 2011, 2012).

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

On **9 January 2014 at 15:00hrs** (Kosovo time zone).

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/prag/annexes.do?group=B>

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 :

**EULEX Kosovo - Procurement Section
Main Warehouse Compound
Zona Industriale Veternik, P.O. Box 268
(Opposite Gorenje Hotel, next to Fuel Station)
10000 Pristina, Kosovo**

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

**EULEX Kosovo - Procurement Section
Main Warehouse Compound
Zona Industriale Veternik, P.O. Box 268
(Opposite Gorenje Hotel, next to Fuel Station)
10000 Pristina, Kosovo**

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

9 October 2013.

29. Legal basis

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 and Council Decision 2013/241/CFSP of 27 May 2013.

30. Additional information

Not applicable.