

SUPPLY PROCUREMENT NOTICE

Framework Contract for the Supply of Tyres No 2

Pristina-Kosovo

1. Publication reference

EuropeAid/130169/D/SUP/XK

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.

4. Financing

Budget article 19 03 03.

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

5. Contracting authority

The Head of EULEX Kosovo.

CONTRACT SPECIFICATIONS

6. Description of the contract

- a. The subject of the framework contract is to settle the terms governing the supply and delivery of tyres by the Contractor (see Annex II and III of the Tender Dossier for the relevant description of the items and the yearly estimated quantities that may be ordered during the duration of the framework contract) in 2 lots at EULEX Kosovo, Pristina, [DDU](#)².

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

² /DDU (Delivered Duty Unpaid - Incoterms 2000 International Chamber of [Commerce](#) - <http://www.iccwbo.org/incoterms/id3040/index.html>

- b. The framework contract shall be concluded for a period of one year (1 year) 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 take the initiative after the initial period of implementation of one year, to 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. Such request for extension of the contract duration shall be approved by the Contractor. Any extension of the contract would be subject to satisfactory performance by the Contractor as well as a possible extension of the mission's mandate.
- d. Tender prices shall be firm for the first year of implementation of the framework contract but a price revision clause may be applied, in case of extension of the contract duration after the initial period of implementation of one year.
- e. The signature of the framework contract imposes no obligation on the Contracting Authority to order any of the quantities estimated in Annex II and III of the "tender dossier". Deliveries shall only take place following the issuance by the contracting authority of "purchase orders", specifying the list and quantities of items intended to be supplied.
- f. Deliveries shall take place within **40 (forty) days** after the receipt by the contractor of a "purchase order".

7. Number and titles of lots

Lot 1	Tires for 4x4 and people carriers
Lot 2	Tires for trucks and forklifts

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) of 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, (see item 22 below).

Participation is also open to international organizations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed

The rule of origin has been derogated.

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 EC 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 **(see below table with the amount per lot)** 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.

Lot 1	Tires for 4x4 and people carriers	€7,000.00
Lot 2	Tires for trucks and forklifts	€1,300.00

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee **of 10 % (ten %)**, of the yearly (maximum) amount of the framework 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

The framework contract shall be concluded for a period of one year (1 year) with effect on the date on which it enters into force, but it will be only be implemented by means of “purchase orders” i.e. deliveries shall only take place following the issuance by the contracting authority of “purchase orders”.

The Framework contract may be terminated at short notice. (See article 36 of the special conditions of the draft contract).

The Contracting Authority may take the initiative after the initial period of implementation of one year, to 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. Such request for extension of the contract duration shall be approved by the Contractor. Any extension of the contract would be subject to satisfactory performance by the Contractor as well as a possible extension of the mission’s mandate.

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 turnover of the tenderer for the last two (2) years (i.e. 2009 and 2008) must be at least equivalent to the amount of its financial proposal(s) for the lot(s) tendered. (i.e. aggregated value in case several lots are tendered)
- 2) **Professional capacity** of tenderer (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract)
 - a) At least **ten (10)** permanent staff currently work for the tenderer in fields related to this contract.
- 3) **Technical capacity** of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract)
 - a) Lot 1: The tenderer has worked successfully on at least **4 projects** of supply of TYRES in the past two years (i.e. 2009, 2008,), with a budget at least equivalent to that of its financial offer(s) for the lot (s) tendered (i.e. aggregated value in case several lots are tendered), and/or as sold for a minimum of **250,000.00 Euros of TYRES** during the same period of time.
 - b) Lot 2: The tenderer has worked successfully on at least **4 projects** of supply of TYRES in the past two years (i.e. 2009, 2008,), with a budget at least equivalent to that of its financial offer(s) for the lot (s) tendered (i.e. aggregated value in case several lots are tendered), and/or as sold for a minimum of **50,000.00 Euros of TYRES** during the same period of time

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 must respect the same rules of eligibility and notably that of nationality, as the economic operator.

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> and <http://www.eulex-kosovo.eu>

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 tenders@eulex-kosovo.eu or to EULEX Procurement Section, Ndërtesa Farmed, “Muharren Fejza” p.n, Lagja e Spitalit, 10000 Pristina, Kosovo; (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 to the tender dossier shall be published on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and on the Contracting Authority's website <http://www.eulex-kosovo.eu>.

19. Deadline for submission of tenders

On 30th of November 2010 at 15:00 hrs (Kosovo time zone) at EULEX, Procurement Section, Ndërtesa Farmed, “Muharrem Fejza” p.n, Lagja e Spitalit, 10000 Pristina, Kosovo.

Any tender received after this deadline will not be considered.

20. Tender opening session

On 30th of November 2010 at 15:30 hrs (Kosovo time zone) at EULEX, Procurement Section, Ndërtesa Farmed, “Muharrem Fejza” p.n, Lagja e Spitalit, 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 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

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