

SERVICE PROCUREMENT NOTICE
EULEX Third Party Liability Insurance
Pristina – Kosovo

1. Publication reference

EuropeAid/128374/SER/D/KOS

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”).

4. Financing

Budget article 19 03 03.

Contract No CFSP/2009/24/EULEX Kosovo — De Kermabon

This tender procedure is launched before the financing decision or the signature of the financing agreement between the Commission and the recipient. The award of the contract is subject to the conclusion of the financing agreement and therefore, to the allocation of the corresponding funds.

5. Contracting Authority

The Head of EULEX Kosovo.

CONTRACT SPECIFICATION

6. Nature of contract

Global price

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 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 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 for use in exercising their executive mandate as and from the date of inception of the insurance

policy.

8. Numbers and titles of lots

Tender procedure is not divided into lots.

9. Maximum budget

The maximum budget allocated for this framework contract is EUR 759,000.00 (per 12 months).

10. Scope for additional services

The Contracting Authority may, at its own discretion, 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. Any extension of the contract would be subject to satisfactory performance by the Contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

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.

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.

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

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. 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

Sub-contracting will be allowed with the maximum 30% percent of the contract value which may be sub-contracted.

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 2010

19. Provisional commencement date of the contract

April/May 2010

20. Initial period of execution and possible extension of the contract

The period of execution of the contract is set for twelve (12) months from the commencement date.

The Contracting Authority may, at its own discretion, extend the contract in duration up to additional twelve (12) months by amendment to the present contract signed by both parties. Such an amendment shall be subject to a negotiated procedure according to 3.2.3.1 of the Practical Guide to Contract Procedures for EC external actions. The Contractor gives up the right to withdraw from the contract for its entire duration, including possible renewals and guarantees to undertake any extension requested in accordance with the provisions set out above.

The extension will be conditioned and limited by the Mission's mandate, the availability of corresponding budgetary funds and the satisfactory performance of the services.

In addition to the grounds for termination defined in the General Conditions, the Contracting Authority may terminate the contract, in whole or in part, at any time after giving thirty (30) days notice to the Contractor, in case EULEX's mandate was not to be prolonged and/or in case of budgetary issues affecting the financing of the project or for any other reasons the Contracting Authority deems as necessary.

In case of termination of the contract on such grounds, the Contractor shall not be entitled to claim any indemnity for loss suffered.

The Contractor shall only be entitled to claim for sums owing to it for services already provided and/or for services to be provided until the actual date of termination of the contract.

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 standing of candidate(s) (based on item 3 of the application form):
 - a) Total average annual turnover of candidate(s) must exceed 3 times the maximum budget of the contract for the last three years (2007, 2008 and 2009);
 - b) The candidate has been operational for the past three years (2007, 2008 and 2009);
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
 - at least 4 staff currently work for the applicant in fields related to this contract; and
 - at least 20% of all staff working for the candidate this year in fields related to this contract are permanent.
- 3) Technical capacity of candidate(s) (based on items 4 and 5 of the application form):
 - a) Candidate(s) have (all) worked at least one major project similar to this in fields related to this contract in the past three years (2007, 2008 and 2009).

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. Under the same conditions, a consortium of economic operators may rely on the capacities of members of the consortium or of other entities.

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 applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

- 1) The number of projects related to this contract completed in the last three years.
- 2) In the case of equal number of projects the total amount (in Euro) of the projects completed in the last three years.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

On or before **19/01/2010 at 15:00hrs** Central European Time.

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 (Annex B3 available from the following Internet address: http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_en.htm), whose format and instructions must be strictly observed.

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:

- EITHER by recorded delivery (official postal service) to :
EULEX Kosovo Procurement Section
Farmed Building Rruga Muhamet Fejza p.n.
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
Farmed Building Rruga Muhamet Fejza p.n.
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. Additional information

Tender procedure under suspension clause: This procurement notice is issued before the financing decision or the signature of the financing agreement between the Commission and the recipient. The award of the contract is subject to the conclusion of the financing agreement and therefore, to the allocation of the corresponding funds.

29. Date of publication of contract forecast

9th of April 2009.

30. Legal basis

Council Joint Action 2008/124/CFSP of 04 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX Kosovo.