

SUPPLY PROCUREMENT NOTICE

Framework Contract for the Supply of High Visibility Items

Pristina-Kosovo

1. Publication reference

PROC/140/09/Framework Contract for High Visibility Items (*EuropeAid ref: 129093/M/SUP/XK*).

2. Procedure

Open Local

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/2008/16/EULEX Kosovo — De Kermabon

5. Contracting authority

The Head of EULEX Kosovo.

CONTRACT SPECIFICATIONS

6. Description of the contract

Framework Contract for the Supply of “High Visibility Items”.

The framework contract shall be concluded for a period of one (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).

The signature of the framework contract imposes no obligation on the Contracting Authority to purchase 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 of items intended to be supplied with their respective quantities.

Deliveries shall take place within 50 (fifty) days after the receipt by the contractor of a “purchase order”.

7. Number and titles of lots

Lot 1	PPIO Visibility Items
Lot 2	Berets
Lot 3	Armlets
Lot 4	Visibility Vests
Lot 5	Flags
Lot 6	Stickers

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	PPIO Visibility Items	€ 900	Lot 1
Lot 2	Berets	€ 750	Lot 2
Lot 3	Armlets	€ 100	Lot 3
Lot 4	Visibility Vests	€ 170	Lot 4
Lot 5	Flags	€ 150	Lot 5
Lot 6	Stickers	€ 170	Lot 6

12. 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.

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 will enter into force on the date of its signature by both parties, 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”. Deliveries shall take place within 50 days after the receipt by the contractor of a “purchase order”.

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) For LOT 1 and LOT 2 the average turnover of the tenderer for the last two (2) years must exceed the amount of its financial proposal for the lot(s) tendered. (I.e. exceed the aggregated value of the financial proposals in case both lots are tendered).

b) For LOTS 3, 4 and 5 the average turnover of the tenderer for the last two (2) years must exceed twice the amount of its financial proposal for the lot(s) tendered. (I.e. exceed twice the aggregated value of the financial proposals 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 two (2) 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) The tenderer has worked successfully on at least two projects in fields related to this contract (supply of visibility items) in the past three years.

- For lot 1 (PPIO visibility items), at least one of these two projects must have been made for public institutions or International Organisations or NGOs.

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: <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, “Muharrem 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 Contracting Authority's website <http://www.eulex-kosovo.eu>

19. Deadline for submission of tenders

On 21 October 2009 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 21 October 2009 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, EULEX Kosovo.

EoT