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RS-Pristina: framework contract for data interconnectivity services No 2

2011/S 95-154661

Location: Europe (non-EU) — Kosovo

Service procurement notice

Common procurement vocabulary (CPV):

Main object:

72400000 Internet services

1. **Publication reference:**

EuropeAid/131177/D/SER/XK.

Internet address(es):

General address of the contracting authority: tenders@eulex-kosovo.eu

2. **Procedure:**

Restricted.

3. **Programme:**

Council Joint Action 2008/124/CFSP of 4.2.2008 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:**

Contract No CFSP/2010/46/EULEX Kosovo — Bout de Marnhac.

5. **Contracting authority:**

The Head of EULEX Kosovo, Pristina, KOSOVO.

6. **Nature of contract:**

Global price.

7. **Contract description:**

Providing data interconnectivity between the EULEX HQ (i.e. the EULEX network core) and all EULEX regional HQs and locations.

8. **Numbers and titles of lots:**

The contract is divided into lots: No, 1 lot only.

9. **Budget:**

Maximum budget: 450 000 EUR.

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) 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 authorised by Council Joint Action 2008/124/CFSP of 4.2.2008 on EULEX Kosovo as amended by JA 2009/445/CFSP and by Council Decision 2010/322/CFSP.

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 (i.e., 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 1 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 1 application, all applications in which that person has participated will be excluded.

14. **Shortlist alliances prohibited:**

Any tenders received from tenderers having a different composition than the ones on the 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. Shortlisted 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 EU external actions'.

16. **Subcontracting:**

Subcontracting is not allowed.

17. **Number of candidates to be shortlisted:**

On the basis of the applications received, at least 4 and at most 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:**

15.7.2011.

19. **Provisional commencement date of the contract:**

22.11.2011.

20. **Initial period of implementation of tasks:**

Duration in months: 24.

Selection and award criteria

21. **Selection criteria:**

Same criteria for legal and natural person.

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:

In the case of the applicant being a public body equivalent information should be provided:

1. the average turnover in last 3 years (2008, 2009, 2010) of the applicant must exceed the annualised maximum budget of the contract.

2) Professional capacity of candidate:

1. the applicant must be in possession of a licence by the Kosovo Telecommunication Regulatory Authority to provide telecommunication services including (but not limited to) data, Internet, cable TV, etc.;

2. at least 20 staff currently work for the applicant in fields related to this contract;

3. at least 40 % of all staff working for the applicant this year in fields related to this contract are permanent.

3) Technical capacity of candidate:

1. the applicant has worked successfully on at least 2 projects in fields related to this contract and similar in size in the past 3 years (2008, 2009, 2010).

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 tenderers rely in majority on the capacities of other entities or when they rely on key criteria. If the candidate relies on other entities 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. 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the 8 best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

the average turnover in the last 3 years;

the number of staff that currently work for the applicant in fields related to this contract;

the number of projects in the past 3 years.

22. **Award criteria:**

Best value for money.

Application

23. **Deadline for receipt of applications:**

17.6.2011 (15:00), 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, the format and instructions of which must be strictly observed. The application form is available at the following Internet address: http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_en.htm

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 exclusively to the contracting authority in the following language — English: — either by recorded delivery (official postal service) to:

EULEX Kosovo Procurement Section, Zona Industriale Veternik, PO Box 268 (opposite of 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:

For the attention of: EULEX Kosovo Procurement Section, Farmed Building, Rruga Muhamet Fejza p.n., PO Box 268, 10000 Pristina, KOSOVO. E-mail: tenders@eulex-kosovo.eu

As in abovementioned address.

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 applications 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 contract forecast notice:**

23.3.2011.

29. **Legal basis:**

Council Joint Action 2008/124/CFSP of 4.2.2008 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.

30. **Additional information:**

This tender procedure is launched under suspensive clause i.e. provision of the services concerned is subject to availability of the budget funds.

Please note that the awarding of the contract is subject to the condition of the prior adoption of a financing decision and the prior conclusion of a financing agreement, which do not modify the elements of the procurement procedure (this will be the case, for instance, if the budgetary envelope initially foreseen is different or if the time-frame, the nature or the condition of the implementation are altered).

If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates' or tenderers' being entitled to claim any compensation.

31. **Date of dispatch of this notice:**

6.5.2011.