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**Kosovo-Pristina: Fuel supply  
2013/S 132-227583**

**Supply contract notice**

**Kosovo**

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

— this tender procedure is launched under suspension clause, 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 (see paragraph 2.4.12 of the 'Practical Guide to contract procedures for EU external actions'), which does 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.

1. **Publication reference:**  
EuropeAid/134321/D/SUP/XK/Fuel Supply (PROC/422/13).
2. **Procedure:**  
Open international.
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, Council Decision 2012/291/CFSP and Council Decision 2013/241/CFSP of 27.5.2013.
4. **Financing:**  
Contract No CFSP/2013/9/EULEX Kosovo — Borchardt.
5. **Contracting authority:**  
The Head of EULEX Kosovo, Pristina, KOSOVO.

**Contract specifications**

6. **Description of the contract:**  
The subject of the framework contract is the supply and delivery of diesel, petrol, LPG, oils, lubricants and associated products by the contractor, for EULEX Kosovo, Pristina, DAP (delivery at place — Incoterms 2010 International Chamber of Commerce — <http://www.iccwbo.org/incoterms/id3040/index.html>):  
— fuels, i.e. diesel and petrol:
  - to be provided at/to the contracting authority's (CA) fuel distribution points (to be set up by the contractor) in Pristina and Mitrovica for use of the CA's and possibly other authorised vehicles,
  - to be provided to the CA's generators and heating system fuel storage tanks in Kosovo,
  - the provision of associated services as set out in Annex II + III of the tender dossier,— LPG, oils, lubricants and associated products:
  - to be provided at/to the contracting authorities' warehouse in Pristina.
7. **Number and titles of lots:**  
This tendering procedure is not divided into lots.

**Terms of participation**

8. **Eligibility and rules of origin:**

Participation is open to all legal persons participating either individually or in a grouping (consortium) 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. Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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 contract procedures for EU external actions'.

10. **Number of tenders:**

Tenderers may submit only 1 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 1 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 17 000 EUR 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.

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 or site visit is foreseen.

14. **Tender validity:**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

15. **Period of implementation of tasks:**

The period of implementation of the tasks identified is 1 year from the commencement date (although the framework contract may be terminated at short notice. See Article 36 of the special conditions of the draft contract).

The contracting authority may, at its own discretion, extend this framework 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 framework contract. Any extension will be conditioned and limited by the Mission's mandate, the availability of corresponding budgetary funds and the satisfactory fulfilment of its obligations by the contractor.

Specific contracts based on this framework contract are only concluded in case of:

- a) fuels, when filled into fuel reservoirs of the contracting authorities' authorised vehicles, generators, etc. and signature of a corresponding receipt (Annex II + III) by persons authorised from the contracting authority during the duration of the framework contract;
- b) LPG, oils, lubricants and associated products following the issuance of provisional acceptance certificates in accordance with the terms set in the purchase orders to be issued by the contracting authority during the duration of the framework contract.

#### **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 the case of the tenderer being a public body, equivalent information should be provided:  
(a) the average annual turnover of the tenderer for the last 3 years (i.e. 2010, 2011 and 2012) concerning the supplies plus the ancillary services like distribution etc. covered by the framework contract must be at least twice the amount of its financial proposal in the tender.

2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the tender form for a supply contract):  
(a) the tenderer has obtained all governmental approvals from the Republic of Kosovo necessary for the performance of the contractor's obligation under the framework contract, in particular that the tenderer holds valid licence(s) pursuant to the Law No 2004/5 on Trade of Petroleum and Petroleum Products in Kosovo covering all activities required by this tender;  
(b) the tenderer has a minimum of 30 staff employed;  
(c) the tenderer has a minimum of 10 staff employed to fulfil the requirements of this contract (i.e. 1 technical manager, 1 project manager, 1 fuel assistant, 4 fuel attendants, 3 fuel truck drivers). The minimum educational background for the above 10 staff appointed to fulfil the requirements of this contract is high school with at least 5 years of relevant working experience. Certificates must be provided to prove that the above 10 staff have adequate training in firefighting. Also, valid ADR certificates must be provided for the fuel truck drivers (which need to be renewed every 5 years).

In addition, all staff present in fuel supply chain (including contractor's focal point/fuel manager) need to have adequate training in firefighting with adequate certification. The certificates must be provided to the contracting authority, upon request.

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 on at least 5 projects with similar subjects (i.e. supply and distribution of petroleum products to vehicles & generators and associated products to at least 5 different locations within a territory of similar size to the Republic of Kosovo) with a budget equivalent to that of this contract in the past 3 years (i.e. 2010, 2011 and 2012);  
(b) equipment description:  
— the tenderer has at least 4 fuel trucks, with minimum capacity of 8 000 litres, 1 high mobility fuel truck, min. capacity 5 000 litres, all equipped with pumps, meters and filter separators, at his disposal;  
(c) the tenderer has storage capacity and facilities at his disposal which must be of sufficient capacity, at least 1 000 000 litres of diesel, in the region of Kosovo to maintain a minimum local reserve;  
(d) duly signed guarantee letter from main fuel producer/supplier (oil refinery) that the potential contractor will be able to supply the required quality of petroleum products (diesel and petrol).

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 tenderer relies on other entities it must 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.

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>

The tender dossier is also available on the EULEX website at <http://www.eulex-kosovo.eu/en/tenders/>

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:

EULEX Kosovo — Procurement Section, Main Warehouse Compound, Industrial Zone Veternik (opposite Gorenje Hotel, next to fuel station), 10000 Pristina, KOSOVO. E-mail: [tenders@eulex-kosovo.eu](mailto:tenders@eulex-kosovo.eu)

(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 or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the EuropeAid website at:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and EULEX website at: <http://www.eulex-kosovo.eu/en/tenders/>

19. **Deadline for submission of tenders:**

10.9.2013 (15:00), Kosovo time zone at EULEX, Procurement Section, Main Warehouse Compound, Industrial Zone Veternik (opposite Gorenje Hotel, next to fuel station), 10000 Pristina, KOSOVO.

Any tender received after this deadline will not be considered.

20. **Tender opening session:**

10.9.2013 (15:30), Kosovo time zone at EULEX, Procurement Section, Main Warehouse Compound, Industrial Zone Veternik (opposite Gorenje Hotel, next to fuel station), 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 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, Council Decision 2012/291/CFSP and Council Decision 2013/241/CFSP of 27.5.2013.