

SERVICE CONTRACT NOTICE

Service and Maintenance of Printers and Photocopiers No. 2

Pristina - Kosovo

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.

1. Publication reference

EuropeAid/134160/D/SER/XK

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") as amended by JA 2009/445/CFSP and Council Decision 2010/322/CFSP and Council Decision 2012/291/CFSP of 5th June 2012)

4. Financing

CFSP/2012/9/EULEX KOSOVO - Borchardt

5. Contracting Authority

The Head of EULEX Kosovo.

CONTRACT SPECIFICATION

6. Nature of contract

Global price framework contract.

The signature of the framework contract imposes no obligation on the Contracting Authority to spend the entire maximum budget available for this contract and/or to order the services for the number of printers and photocopiers estimated in Annex II i.e. Terms of References of the Tender Dossier.

7. Contract description

To provide all necessary maintenance services for EULEX printers and photocopiers in order to keep

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

them in perfect working condition by providing proactive and reactive maintenance.

8. Number and titles of lots

No, one lot only.

9. Maximum budget

385,000.00 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 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 as amended by JA 2009/445/CFSP and Council Decision 2010/322/CFSP, Council Decision 2012/291/CFSP of 5th June 2012). The participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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.

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 unless prior approval from the Contracting Authority has been obtained (see Prag 2.4.3.). 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

Subcontracting is allowed.

The total value of the sub-contracted part of the services must not exceed 20 (twenty) % of the contract value and the sub-contractor must not subcontract further.

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

18 July 2013

19. Provisional commencement date of the contract

September/October 2013

20. Initial period of implementation of tasks

The period for implementing the tasks is 12 months from the commencement date of the contract, although the contract may be terminated at short notice. (*Article 19 of the special conditions of the contract included in the tender dossier*).

The Contracting Authority may, at its own discretion, extend this framework 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 3.2.4.1 of the Practical Guide to Contract Procedures for EU external actions. The extension will be conditioned and limited by the Mission's mandate and to the availability of corresponding budgetary funds.

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 capacity of candidate (based on item 3 of the application form). In

case of candidate being a public body, equivalent information should be provided.

- a) The tenderer shall have an average turnover of 800,000.00 Euros (*eight hundred thousand*) for the last 3 (*three*) financial years (2010, 2011 and 2012).

2) Professional capacity of candidate (based on items 4 and 5 of the application form)

a) The tenderer must have an official status of Xerox Service Partner, authorized to service equipment from the whole Xerox portfolio (certified by a Manufacturer's Authorization Form, which must be provided to the Contracting Authority, and any relevant agreement), including a document statement proving that the person who signs the Authorization is empowered by "Xerox Ltd." to deliver Xerox Authorizations.

b) The tenderer must have at his disposal a minimum of 7 (seven) trained and certified Xerox Service Engineers for the whole territory of Kosovo. Copies of their certificates and CVs must be submitted to the Contracting Authority.

c) The tenderer must have local support and regional coverage within Kosovo.

3) Technical capacity of candidate (based on items 5 and 6 of the application form)

a) The tenderer has worked successfully on at least three contracts for the maintenance and service of Xerox Equipment in the past two years (2011 and 2012) (recommendation or reference letters are required).

Previous experience which would have lead to breach of contract and termination by a Contracting Authority shall not be used as reference.

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, 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.

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 candidates. The only factors which will be taken into consideration during this re-examination are:

1. Highest number of similar projects completed successfully in the last 5 years
2. List of references, i.e. projects completed in organizations with more than 100 devices.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

On **18th of June 2013 at 15:00 hrs**, (Kosovo time zone) at at EULEX, Procurement Section, Main

Warehouse Compound, Zona Industriale Veternik, (opposite Gorenje Hotel,next to fuel station), 10000 Pristina, Kosovo.

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 from 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 in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) to :

**EULEX Kosovo
Procurement Section
Main Warehouse Compound
Zona Industriale Veternik, P.O. Box 268
(Opposite 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:

**EULEX Kosovo
Procurement Section
Main Warehouse Compound
Zona Industriale Veternik, P.O. Box 268
(Opposite Gorenje Hotel, next to Fuel Station)
10000 Pristina**

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. Date of publication of prior information notice

13 March 2013

29. 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 and Council Decision 2012/291/CFSP of 5 June 2012.

30. Additional information

N/A