**Additional information about the Contract Notice**

**Framework Contract for Security Guarding Services no.8**
**Pristina - Kosovo**

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

*This tender procedure is launched under* ***suspensive clause[[1]](#footnote-1)*** *i.e. the contract implementation beyond the duration of the Financing Agreement (CFSP/2021/15/EULEX Kosovo), is subject to the availability of funds of EULEX Kosovo through the conclusion of a new Financing Agreement between the European Commission and the EULEX Kosovo.*

1. **Nature of contract**

 **Global price**

1. **Programme title**

**Council Decision (CFSP) 2021/904 of 03 June 2021 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO).**

1. **Financing**

**CFSP/2021/15/EULEX Kosovo**

1. **Legal basis, eligibility and rules of origin**

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 Joint Action 2009/445/CFSP of 9 June 2009 and by Council Decision 2010/322/CFSP of 8 June 2010, Council Decision 2012/291/CFSP of 5 June 2012, Council Decision 2013/241/CFSP of 27 May 2013, Council Decision 2014/349/CFSP of 12 June 2014, Council Decision 2014/685/CFSP of 29 September 2014 and Council Decision (CFSP)2015/901 of 11 June 2015, Council Decision (CFSP)2016/947 of 14 June 2016, Council Decision (CFSP) 2016/1990 of 14 November 2016 Council Decision (CFSP) 2017/973 of 8 June 2017, Council Decision (CFSP) 2018/856 of 8 June 2018, Council Decision (CFSP) 2020/792 of 11 June 2020 and Council Decision (CFSP) 2021/904 of 03 June 2021.

Participation is open to all natural persons and/or legal persons participating either individually or in a grouping (consortium), as authorized by Council Decision (CFSP) 2016/1990 of 14 November 2016 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO). The participation of natural and legal persons in the award of procurement contracts financed out of the Mission's budget is open without limitations. Participation is also open to international organisations.

No rule of origin is applied.

1. **Candidature**

**All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.**

**A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.**

**The participation or tender of an ineligible natural or legal person 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.**

1. **Number of applications or tenders**

**No more than one request to participate or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.**

**In case of lots, the candidates or tenderers may submit only one request to participate or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.**

1. **Grounds for exclusion**

Candidates must submit a signed declaration, included in the request to participate form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG).** Where the candidate intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

1. **Sub-contracting**

Subcontracting is not allowed.

1. **Number of candidates to be short-listed**

**On the basis of the applications received, between 4 and 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. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.**

1. **Short-list alliances prohibited**

**Any tenders received from tenderers having a different composition that the ones mentioned in the short-listed request to participate forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained – see practical guide 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.**

1. **Provisional date of invitation to tender**

Aug/Sep 2022

1. **Provisional commencement date of the contract**

December 2022

1. **Period of implementation of tasks**

The period for implementing the tasks is twelve (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 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 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.

1. **Language of the procedure**

All written communications for this tender procedure and contract must be in English.

1. **Additional** **information**

Financial data to be provided by the tenderer in the standard tender form must be expressed in EUR. If applicable, where a tenderer refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of **MONTH and YEAR** of the applicable InforEuro exchange rate, which can either correspond to the month and year of the publication of the present contract notice or the month and year corresponding to the deadline for submitting tenders, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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. If the economic operator 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 the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

The following selection criteria will be applied to candidates. In the case of requests to participate submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

The selection criteria for each tenderer are as follows:

1. **Economic and financial capacity** **(**based on item 3 of the request to participate form, or on item 3 of supply tender form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed
	1. ***The average turnover of the tenderer for the last three years must be at least 900,000.00 EUR (nine hundred thousand);***
2. **Professional capacity** (based on items 4 and 5 of the request to participate form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.
	1. ***at least 60 staff currently work for the applicant in fields related to this contract;***
	2. ***at least 20 % of all staff working for the candidate this year in fields related to this contract are permanent.***
	3. ***The candidate has obtained all Governmental Licenses and Authorizations from the Republic of Kosovo necessary for the performance of the Contractor’s obligations under the framework contract, in particular that the tenderer holds valid license(s) issued by the Kosovo Ministry of Internal Affairs, pursuant to the Law No. 04/L – 004 on Private Security Services, covering all activities required by this tender, as well as other relevant licenses and authorizations as per Kosovo legislation.***
3. **Technical capacity** (based on items 5 and 6 of the request to participate form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the 3 years from submission deadline.
	1. ***The candidate has provided successfully services on at least three (3) projects in fields related to this contract which were implemented in the past three years from the submission deadline, with a yearly budget equivalent of at least 400,000.00 EUR (four hundred thousand euro).***

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the request to participate of these candidates must be re-examined in order to rank them and identify the 8 best requests to participate for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the order in which they appear below, are:

1. *The number of projects related to this contract completed in the last 3 years* ***from the submission deadline****;*

2*. In the case of an equal number of projects the total amount (in euros) of the projects completed in the last 3 years* ***from the submission deadline****;*

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1. **Award criteria**

Best price-quality ratio.

**APPLICATION AND TENDERING**

1. **Applications 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:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

The application must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

1. **How applications may be submitted**

Applications must be submitted in English exclusively to the contracting authority in a sealed envelope.

* Either by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

**EULEX Kosovo – Procurement Section**

**Ndërtesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagja e Spitalit**

**10000 Pristina, Kosovo**

* OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

**EULEX Kosovo – Procurement Section**

**Ndërtesa Farmed**

**“Muharrem Fejza” p.n.**

**Lagja e Spitalit**

**10000 Pristina, Kosovo**

* **OR (exceptionally) electronic submission via email at: tenders@eulex-kosovo.eu**

The contract title and publication reference (see contract notice) 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.

By submitting an application candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application form.

1. **Deadline for submission of applications**

The candidate’s attention is drawn to the fact that there are two different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[2]](#footnote-2), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

**The deadline for submission of applications can be found in the Contract Notice under IV.2.2.**

Any application sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

1. **Clarifications on the contract notice**

Clarifications may be sought from the contracting authority at the following email address tenders@ eulex-kosovo.eu at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering accessible from the F&T portal at [*https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home*](https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home)and/or on EULEX Kosovo website at https://www.eulex-kosovo.eu/?page=2,6

at the latest 5 days before the deadline for the submission of applications

1. **Alteration or withdrawal of applications**

Applicants 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 precedent item. The outer envelope (and the relevant inner envelope if used) must be marked ‘Alteration’ or ‘Withdrawal’ as appropriate.

1. See Paragraph 2.6.12 of Practical Guide to Contract procedures for EU external actions. <http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B> [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)