**SUPPLY CONTRACT NOTICE**

**Supply of Automotive Spare Parts No. 9 under framework contract**

**Pristina, Kosovo**

**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 does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, 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 tenderers being entitled to claim any compensation.

**1. Publication reference**

PROC/1201/23

**2. Procedure**

Local Open

**3. Programme title**

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

**4. Financing**

CFSP/2021/15/EULEX Kosovo

**5. Contracting authority**

EULEX Kosovo

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CONTRACT SPECIFICATIONS**

**6. Description of the contract**

The subject of the framework contract is to settle the terms governing the supply and delivery of Automotive Spare Parts by the Contractor (see Annex II and III of the Tender Dossier for the relevant description of the items and the estimated quantities of items that MAY be purchased during the duration of the framework contract) at EULEX Kosovo, Pristina, DAP1.

**7. Number and titles of lots**

One lot only

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TERMS OF PARTICIPATION**

 **8. Eligibility and rules of origin**

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.

**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 Section 2.6.10.1. of the practical guide.

Tenderers 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.

**10. Number of tenders**

Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.

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.

**11. Tender guarantee**

Tenderers must provide an original tender guarantee of **1,300.00 Euros** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer 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**

A performance guarantee will be required only if the value of the individual Purchase Order is equal or above 20.000 Euros at the time of the issuance of the Purchase Order referred to in the contract and it is set at **5 %** of the amount of the Purchase Order. The Performance Guarantee must be presented in the form specified in the annex to the tender dossier. It will be released within 60 days of the issue of the final acceptance certificate by the Contracting Authority, except for the proportion assigned to after-sales service. This guarantee must be provided together with the return of the countersigned Purchase Order no later than 30 days after the tenderer receives the Purchase Order signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the Purchase Order will be void.

**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. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers).

**15. Period of implementation of tasks**

The framework contract shall be concluded for a period of 12 (twelve) months with effect on the date on which it commences. The contract shall be renewed automatically for a period of 12 (twelve) additional months under the same conditions, unless written notification to the contrary is sent by one of the parties and received by the other 5 (five) months before expiry of the first year of the contract. Renewal does not imply any modification or deferment of existing obligations, although the Framework contract may be terminated at short notice (See article 5 of the Contract Agreement).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**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 unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors:

**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. The reference period which will be taken into account will be the last three financial years for which accounts have been closed.

1. ***The average annual turnover of the tenderer for the last 3 (three) years for which accounts have been closed, must exceed the amount of 100,000 Euros***

**2)** **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the tender form for a supply contract). The reference period which will be taken into account will be the last three years preceding the submission deadline.

***a) The tenderer has a minimum of 1 (one) after sales clerk with minimum five years of experience required for this contract.***

***b) at least 3 (three) staff currently working 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). The reference period which will be taken into account will be the last three years preceding the submission deadline.

***a) The tenderer delivered supplies on at least 1 (one) project with a budget of at least Euro 100,000.00 in fields related to this contract which was implemented during the last three years preceding the submission deadline, i.e. from 2023 to 2020.***

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

Capacity-providing entities

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. 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 by producing a commitment 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 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 the tender 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, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

**17. Award criteria**

Price

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**TENDERING**

**18. How to obtain the tender dossier**

The tender dossier is available from the following Internet address: **https://www.eulex-kosovo.eu/?page=2,6**. 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

**EULEX Kosovo – Procurement Section**

**Arbënor and Astrit Dehari St., No. 24, P.O. Box 268, 10000 Pristina, Kosovo**

**E-mail:** **tenders@eulex-kosovo.eu**

(mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at the latest 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 website at: [**https://www.eulex-kosovo.eu/?page=2,6**](https://www.eulex-kosovo.eu/?page=2,6)**.**

**19. Deadline for submission of tenders**

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

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[1]](#footnote-1), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

On **28 April 2023 at 15:00 hrs**, (Kosovo time zone) at EULEX, Procurement Section, Arbënor and Astrit Dehari” St., No. 24, P.O. Box 268, 10000 Pristina, Kosovo.

Any tender submitted to the Contracting Authority after this deadline will not be considered.

**The Contracting Authority may, for reasons of administrative efficiency, reject any tender submitted on time to the postal service but received, for any reason beyond the** **Contracting Authority’s control, after the effective date of approval of the evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.**

**How tenders may be submitted**

Tenders 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**

**Arbënor and Astrit Dehari St., No. 24, P.O. Box 268, 10000 Pristina, Kosovo**

**E-mail:** **tenders@eulex-kosovo.eu**

* OR hand delivered by the participant in person or by an agent directly to the premises of the contract 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**

**Arbënor and Astrit Dehari St., No. 24, P.O. Box 268, 10000 Pristina, Kosovo**

**E-mail:** **tenders@eulex-kosovo.eu**

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Tenders submitted by any other means will not be considered.

By submitting a tender 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 tender.

**20. Tender opening session**

On 28 April 2023 at 15:30 hrs, (Kosovo time zone) at EULEX, Procurement Section, Arbënor and Astrit Dehari St., No. 24, P.O. Box 268,, 10000 Pristina, Kosovo.

In the case that at the date of the opening session some tenders have not been delivered to the Contracting Authority but their representatives can show evidence that they have been sent on time, the Contracting Authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

**21. Language of the procedure**

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

**22. Legal basis[[2]](#footnote-2)**

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.

**23. 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 April 2023, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>

1. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-1)
2. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-2)