

## SERVICE CONTRACT NOTICE

### Technical assistance to IPA Units in the management and implementation of investment projects in the Environment sector

Location – Republic of Serbia

**1. Publication reference**

EuropeAid/140443/IH/SER/RS

**2. Procedure**

Restricted

**3. Programme title**

Annual Action Programme for Serbia for the year 2017

**4. Financing**

Financing agreement

**5. Contracting Authority**

The Government of the Republic of Serbia, represented by the Ministry of Finance, Department for Contracting and Financing of EU Funded Programmes (CFCU), Belgrade, Serbia

Clarifications may be sought from the contracting authority at the following email address [cfcu.questions@mfin.gov.rs](mailto:cfcu.questions@mfin.gov.rs) at the latest 21 days before the deadline for submission of applications stated at the point 23 below.

Clarifications will be published on the website of DG International Cooperation and Development at the latest 5 days before the deadline.

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## CONTRACT SPECIFICATION

**6. Nature of contract**

Fee-based

**7. Contract description**

The purpose of this Project is to provide technical support to the IPA units of the Ministry for Environmental Protection, Ministry of Agriculture, Forestry and Water Management and Contracting Authority in indirect management to successfully perform their respective roles linked to the management and implementation of the EU funded investment and infrastructure projects in the Environment sector. This will include assistance related to tendering, procurement, contracting as well as financial, technical and legal issues during project implementation, including support concerning visibility measures.

## **8. Number and titles of lots**

One lot only

## **9. Maximum budget**

EUR 1.000.000

## **10. Scope for additional services**

The contracting authority may, at its own discretion, extend the service contract in duration and/or scope subject to the availability of funding up to the estimated amount of approximately 1.000.000 Any extension of the contract would be subject to satisfactory performance by the contractor.

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## **CONDITIONS OF PARTICIPATION**

### **11. Eligibility**

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed (see also heading 29 below). Participation is also open to international organisations.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of contract award, candidates or tenderers from the United Kingdom could be rejected from the procurement procedure.

### **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 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.

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#### **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 practical guide – PRAG – 2.6.3.). 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 2.6.10.1. of the PRAG.

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.

#### **16. Sub-contracting**

Subcontracting is allowed.

#### **17. 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.

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### **PROVISIONAL TIMETABLE**

#### **18. Provisional date of invitation to tender**

January 2020

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

July 2020

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

24 months

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### **SELECTION AND AWARD CRITERIA**

#### **21. Selection criteria**

Same criteria for legal and natural persons

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 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 candidate** (based on item 3 of the application 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 financial years for which accounts have been closed.
  - a) the average annual turnover of the candidate over the last three years must be at least 600,000 EUR
  - b) Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium this criterion must be fulfilled by each member.
- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years preceding the submission deadline.
  - a) at least 5 staff currently work for the candidate in fields related to this contract
- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last three years preceding the submission deadline.
  - a) The candidate has provided services under at least one project with a budget of at least 500,000 EUR which includes management and implementation of infrastructure projects (under the FIDIC conditions of contract, or any other equivalent contract conditions) in the environment and/or water sector, which was implemented at any moment during the reference period.

And

- b) The candidate has provided services under at least one project with a budget of at least 500,000 EUR which includes capacity building of public institutions in the preparation and management of infrastructure projects, which was implemented at any moment during the reference period.

Previous experience which caused 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. 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 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 - notably that of nationality – 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, an economic operator may only rely on the capacities of other entities where the latter will perform the services 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.

If more than 8 eligible candidates meet the above selection criteria, their relative strengths and weaknesses must be re-examined in order to rank their applications and identify the 8 best candidates in accordance with point 17 of this contract notice. The only additional comparative criteria that will be taken into consideration during this re-examination, in the order in which they appear below, are:

- 1) Total Number of the reference projects found eligible under criterion 21.3 and in case of equality on this criterion, then
- 2) The value of the eligible part ( the portion carried out by the candidate) of the projects found eligible under point 21.3.

## 22. Award criteria

Best price-quality ratio.

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## APPLICATION

### 23. Deadline for submission of applications

The candidate 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<sup>1</sup>, 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.

In case the tender is submitted by post or private mail service, the tenderers should inform Contracting Authority that the tender was sent and enclose a copy of the deposit slip by sending an email to address [ec@mfin.gov.rs](mailto:ec@mfin.gov.rs).

15:00 h Central European Time on 8th November 2019

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 to the postal service 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.

### 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/prag/annexes.do?chapterTitleCode=B>

The application must be accompanied by a declaration on honour on exclusion and selection

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<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.



criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

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

Ministry of Finance, Government of the Republic of Serbia  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for Tender Evaluation and Contracting  
3-5, Sremska St., VII floor, Office 701  
11000 Belgrade,  
Republic of Serbia

- OR hand delivered by the candidate 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:

Ministry of Finance, Government of the Republic of Serbia  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for Tender Evaluation and Contracting  
3-5, Sremska St., VII floor, Office 701  
11000 Belgrade,  
Republic of Serbia

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.

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.

## **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

19/08/2019

## 29. Legal basis<sup>2</sup>

Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)

## 30. Additional information

Opening hours of the Contracting Authority: 8:00-15:00 CET.

Please note that, in order to ensure efficient electronic correspondence with the Contracting Authority, candidates must provide e-mail addresses capable of receiving e-mails of at least 20 MB (twenty Megabytes), or else specify their inbox size

When filling in the Standard Application Form, and in particular items 3, 4, 5 and 6 therein, candidates must provide all information necessary to allow the Short-list Panel to assess their compliance with the selection criteria under points 21.1), 21.2) and 21.3). Particularly, Candidates are recommended to provide clear description of the overall services contract and full contract details in item 6 of the Standard Application Form, section "Detailed description of project". In the section "Type of services provided" candidates are requested to separately, list only those activities which have been carried out by the candidates themselves, excluding activities carried out e.g. by other members of a previously formed consortium (who are not part of the application for this tender procedure. Completion dates of projects or of relevant project components must be clearly stated

Any tenderer seeking to arrange individual meetings with the Contracting Authority and/or the government of the partner country and/or the Delegation of the European Union concerning this contract during the application period may be excluded from the application procedure.

Financial data to be provided by the candidate in the standard application form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate 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 applications, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

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<sup>2</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).