

SERVICE CONTRACT NOTICE
Prevention and Fight Against Corruption

Location - Serbia

1. Publication reference

EuropeAid/135621/IH/SER/RS

2. Procedure

Restricted

3. Programme title

National programme for Serbia under the IPA – Transition Assistance and Institution Building Component for the year 2013

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)

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The purpose of this project is to strengthen national mechanisms for prevention and fight against corruption through supporting the implementation of the Anti-Corruption-Strategy and Action Plan. Implementation of the project will enhance coordination of anti-corruption institutions and develop their capacities for implementation of the National Anti-Corruption Strategy by focusing on corruption risk analysis, integrity plans, protection of whistle-blowers, specific awareness campaign as part of preventive activities as well as improvement of quality of coordination and information exchange between relevant state institutions. Furthermore, this project should cover the following activities in the prevention and fight against corruption:

- Strengthening capacities of state bodies responsible for implementation of activities envisaged in the Action Plan;
- Strengthening capacities for coordination and monitoring of implementation of the

Action plan;

- Further development of legislative framework in areas relevant for implementation of the Action plan
- Creating conditions for data exchange improvement

8. Number and titles of lots

No, one lot only

9. Maximum budget

4.000.000 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) of tenderers which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item 29 below). All goods supplied under this contract must originate in one or more of these countries. 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.

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 Practical Guide – 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 PRAG

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.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

January 2015

19. Provisional commencement date of the contract

August 2015

20. Initial period of implementation of tasks

24 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

Same criteria for legal and natural person

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 average annual turnover of the candidate over the last three years (2011, 2012 and 2013) must be at least 4.000.000 EUR

b) The Average current ratio (current assets/current liabilities) over the last three years (2011, 2012 and 2013) must be >1

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

a) At least ten (10) permanent staff currently works for the candidate in the field of legal affairs.

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

a) The candidate has provided services under at least one contract (with a value of the activities in the contract carried out by the legal entity being at least EUR 2.000.000, e.g. at least 50% in case of overall contract value of EUR 4.000.000) in the field of capacity building in the prevention and fight against corruption which were implemented at any moment during the following period: in the course of the past 3 years (starting from 1st of January 2011 up to the deadline for receipt of application)

For the criteria under 21.3) this means that the project the candidate 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. Candidates 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, proof of final payment). 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. 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.

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. 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) The total number of the reference projects found eligible under 21.3 and in case of equality on this criterion, then
- 2) The value of the eligible part (the proportion carried out by the candidate) of the projects found eligible under 21.3.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

15:00 hrs Central European Time on 18 November 2014.

Any application received by the Contracting Authority 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/prag/annexes.do?group=B>

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 :

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
Sremska Str, 3-5/VII floor, office 701, Belgrade, 11000
Republic of Serbia

OR hand delivered (including courier services) directly to the Contracting
Authority in return for a signed and dated receipt to:
Ministry of Finance, Government of the 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.

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

13.03.2014

29. Legal basis¹

- Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA) – OJL 210/82 of 31/07/2006

30. Additional information

Opening hours of the Contracting Authority: 8:30-15:00 CET.

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).