



SUPPLY FRAMEWORK CONTRACT NOTICE

Framework Contract for Supply of ICT Hardware and Software to the KSC in The Hague, the Netherlands

The current financing decision of the contracting authority runs for two years, starting on 15 June 2018 and ending on 14 June of 2020. Any contract resulting from this tender procedure is expected to come into effect after the 14 June 2020. Thus, the award of such contract, as well as its continuation beyond the same calendar day 14 June of the two years thereafter in case of renewals, will be subject to and be conditional upon:

- (i) continuation or extension of the mandate of the contracting authority;
- (ii) prior adoption of a financing decision and the prior conclusion of a financing agreement for the contracting authority;
- (iii) availability of funds in the relevant budget line(s) of such financing agreement.

If any of the above conditions are not satisfied, the contract shall be suspended with immediate effect and should the period of suspension exceed 90 days, the contract will automatically terminate.

1. Publication reference

KSCR/PROC/2020/0490

2. Procedure

Local Open Procedure

3. Programme title

Kosovo Specialist Chambers: Support for re-located judicial proceedings within a Member State under the mandate of EULEX Kosovo.

4. Financing

EU Grant Contract CFSP/2018/12 Kosovo Specialist Chambers

5. Contracting authority

Kosovo Specialist Chambers (KSC).

CONTRACT SPECIFICATIONS

6. Description of the contract

A 2-year Framework Contract for the (on demand) supply and delivery of ICT hardware and software to the Kosovo Specialist Chambers in The Hague, The Netherlands. Any

requirements under the framework contract shall be ordered by the Contracting Authority by means of Order Forms.

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 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 22 below). Participation is also open to international organisations..

No rule (of limitation) of origin shall apply for any goods ordered under the awarded Contract.

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

The candidates may submit one single application for the complete lot only. 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.

11. Tender guarantee

No tender guarantee is required.

12. Performance guarantee

For Order Forms with a value above 150.000 EUR a performance guarantee will be required and set at 5% of the value of the order form concerned.

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 contract concerned is a framework contract, which is implemented through the issuance of Order Forms (see sample annexed to the Draft Contract) by the Contracting Authority.

The time limits for delivery shall be no later than 5 working days for all items mentioned in the Annex II + III: Technical Specifications + Technical Offer after e-mail submission of an approved Order Form by Contracting Authority to the Contractor.

Any contract resulting from this tender procedure will be concluded for an initial period of 1 year starting from the date of its signature by both the Contracting Authority and the Contractor.

Such contract shall then be renewed automatically up to 1 time – for a period of maximum 1 year, bringing the total maximum duration to 2 years – under the same terms and conditions, unless written notification to the contrary is sent by one of the parties and received by the other 3 months prior to the expiry of the initial period or any subsequent renewal thereof.

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.

The Economic & Financial Capacity Selection Criteria for each tenderer are as follows:

For legal persons:

- 1- The average annual turnover of the tenderer must exceed EUR 100,000.00; and
- 2- 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.

For natural persons:

- 1- The available financial resources of the tenderer must exceed EUR 100,000.00; and
- 2- the financial situation of the tenderer should not be in deficit, taken into account debts, at the beginning and end of year.

- 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.

The Professional Capacity Selection Criteria for each tenderer are as follows:

For legal persons:

- 1- At least 6 staff currently work for the tenderer in fields related to this contract; and
- 2- Has a professional certificate appropriate to this contract, such as an (equivalent) excerpt of the tenderer's registration with the Chamber of Commerce (Uittreksel KvK);

For natural persons:

- 1- Is currently working, and has worked during the past 3 years, as manager/team-leader with at least 6 collaborators in fields related to this contract; and
- 2- Has a professional certificate appropriate to this contract, such as an (equivalent) excerpt of the tenderer's registration with the Chamber of Commerce (Uittreksel KvK);

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 **five years**.

The Technical Capacity Selection Criteria for each tenderer are as follows:

For both natural persons, and legal persons:

- 1- The tenderer has delivered supplies under at least 3 contracts with a budget of at least 20,000.00 EUR each in the field of ICT Hardware and Software Supply which were implemented during the last five years, between 01-05-2015 to 01-05-2020.

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 & Selection Criteria

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

Lowest price, provided the tender satisfies the minimum requirements laid down.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the Contracting Authority upon request, by sending your Expression Of Interest (EOI) to tender to the following email address: carl.jurrijens@scp-ks.org. Please note that tenders must be submitted using the standard tender form for a supply contract included in this tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to carl.jurrijens@scp-ks.org (mentioning the publication reference shown in item 1) at the latest 17:00hrs. CET, Monday 08 June 2020. The contracting authority must reply to all tenderers' questions by Friday 19 June 2020. Eventual clarifications or changes to the tender documents shall be forwarded to all prospective tenderers that have received the tender dossier through expressing their interest to tender. This shall be done no later than Friday 19 June 2020.

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 slip¹, 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.

Deadline for submission of tenders: Tuesday 30 June 2020 at 13:00 hours CET.

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:

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

- **Highly recommended, EITHER by courier service**, in which case the evidence shall be constituted by the date of the deposit slip, to:

Kosovo Specialist Chambers
Procurement Unit
Raamweg 47
2596 HN The Hague
The Netherlands

- **OR, also highly recommended, 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:

Kosovo Specialist Chambers
Procurement Unit
Raamweg 47
2596 HN The Hague
The Netherlands

- **OR, technically possible, but not recommended, by regular post/mail**, either (i) unregistered without track & trace, in which case the evidence shall be constituted by the postmark, or (ii) registered with track & trace, or (iii) registered with track & trace AND requiring a signature for receipt, in which case the evidence shall be constituted by the date of the registration slip, to:

Kosovo Specialist Chambers
Procurement Unit
P.O. Box 47
2501 CA The Hague
The Netherlands

IMPORTANT NOTE! Please note that the premises of the Kosovo Specialist Chambers and Specialist Prosecutor's Office, Raamweg 47, The Hague, does not have an external mailbox or readily accessible reception area. Any delivery is diverted by the Security staff to a designated expedition area. It is strongly recommended to submit tenders by courier service or by hand-delivery. Registered and unregistered mail through the normal post system should always be sent to the P.O. Box 47 address. Sending registered and unregistered mail to the physical address Raamweg 47, but also to the P.O. Box 47 address, which is mail that will ultimately be handled by the official postal system of The Netherlands, has proven to not be 100% reliable and runs the risk of non-delivery/receipt. In spite of a tenderer being able to provide proof of the date and time of sending a tender, the responsibility of actually delivery of the tender to the Kosovo Specialist Chambers lies fully with the tenderer. The use of unregistered mail is fully at the risk of the tenderer.

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

Wednesday 08July 2020 at 10:30hrs.(am) CET

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 basis²

Council Decision (CFSP)2018/856;

EU Grant Contract CFSP/2018/12 Kosovo Specialist Chambers;

Article 4 Kosovo Law No.05/L-053;

Article 6 Agreement between the Kingdom of The Netherlands and the Republic of Kosovo concerning the Hosting of the Kosovo Relocated Specialist Judicial Institution in The Netherlands (Art. 4 of the related Interim Agreement)

23. Additional information

None

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