



## **Additional information about the Contract Notice**

**Tender reference: KSCR/PROC/2023-2025/1160**

**Contract title: Framework contract for supply of IT Hardware and Software to the Kosovo Specialist Chambers**

**Location – The Hague, The Netherlands**

The financing decisions of the Contracting Authority (Kosovo Specialist Chambers (KSC)) are generally adopted on a bi-annual basis and run from 15 June through 14 June. The current financing decision of the Contracting Authority runs for two years, starting on 15 June 2023 and ending on 14 June 2025.

Please note that any contract resulting from this tender procedure whereby continuation of such contract is foreseen to continue beyond 14 June 2025, as well as beyond the same calendar day 14 June of the three years thereafter in case of any contract renewals, will be 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 under which the contract was awarded (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 contract shall be suspended with immediate effect and should the period of suspension exceed 90 days, the contract(s) will automatically terminate without the Contractor being entitled to claim any compensation.

### **1. Nature of contract**

Unit price.

### **2. Programme title**

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

### **3. Financing**

EU Grant Contract CFSP/2023/12 Kosovo Specialist Chambers

### **4. Legal basis, eligibility and rules of origin**

The legal basis of this procedure is:

- Council Decision (CFSP)2023/1095;
- EU Grant Contract CFSP/2023/12 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).

Participation is open to all natural and legal persons (participating either individually or in a grouping – consortium – of tenderers) without limitations. Participation is also open to international organisations.

All supplies under this contract may originate in any country.

## **5. 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.

## **6. Number of tenders**

No more than one 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 tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

In case of lots, the 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.

## **7. Grounds for exclusion**

Tenderers must submit a signed declaration, included in the tender 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 tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

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.

## **8. Sub-contracting**

Sub-contracting is allowed.

## **9. Number of candidates to be short-listed**

Not applicable.

## **10. Short-list alliances prohibited**

Not applicable.

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

Not applicable.

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

First quarter of the year 2025.

## **13. Period of implementation of tasks**

Any contract resulting from this tender procedure will take the form of a Framework Contract with reopening of competition and its implementation will be done through Order forms.

The period of implementation of each Order form shall correspond to the timelines specified therein.

Any contract resulting from this tender procedure will be concluded for an initial period of 12 months starting from the date of its signature by both the Contracting Authority and the Contractor.

Such contract shall then be renewed automatically up to 3 times – each time for a period of

maximum 12 months each, bringing the total maximum duration to 4 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.

#### 14. Language of the procedure

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

#### 15. Additional information

Financial data to be provided by the tenderer in the tender submission 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 month and year corresponding to the deadline for submitting the tender documentation.

### SELECTION AND AWARD CRITERIA

#### 16. Selection criteria

Capacity-providing entities

An economic operator (i.e. 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 tenderers. In the case of tenders 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 tenderer 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 supply tender form). 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 years for which accounts have been closed (i.e. 2021, 2022 and 2023).

#### Criteria for legal and natural persons:

- The average annual turnover<sup>1</sup> over the last 3 accounting years for which the tenderer's

---

<sup>1</sup> Gross annual income if the tenderer is a natural person.

accounts have been closed must be equal to or exceed 500,000.00 Euro (EUR)<sup>2</sup>.

**2) Professional capacity** (based on items 4 and 5 of the tender form for supply contracts).

**For legal persons:**

- At least **5 staff** currently work for the tenderer in fields related to this contract; and
- The tenderer is duly registered, licensed or otherwise empowered to sell the products covered by this call for tenders.

**For natural persons:**

- **Is currently working, and has worked during the past 3 years**, as manager/team-leader with at least 5 collaborators in fields related to this contract; and
- The tenderer is duly registered, licensed or otherwise empowered to sell the products covered by this call for tenders.

**3) Technical capacity** (based on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last five years prior to the submission deadline.

The selection criterion for each tenderer is following:

**For both natural persons, and legal persons:**

- The tenderer has supplied ICT Hardware and Software under **at least 2 contracts** with a budget of at least **50,000.00 EUR each**.

This means that the contracts the tenderer refers to could have been started at any time during the indicated period but they do not necessarily have to be 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. 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 tenderer has implemented the project in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided/supplies delivered if the selection criteria relating to the pertinence of the experience have been used.

## 17. Award criteria

**Award criteria for awarding the framework contract:**

The sole award criterion will be the price. The contract(s) will be awarded to any and all tenderers submitting a bid which is both technically and administratively compliant and which stays within the projected costs and available funding.

**Award criteria after reopening of the competition and evaluation of the financial offer:**

The sole award criterion will be the price. The Order Form will be placed with the bidder offering the lowest price, provided that its offer is compliant with all the requirements laid down in the Request for Quotations.

As an outcome of the tender procedure, the Contacting Authority shall issue an award decision to all successful tenderers and invite them to sign the framework contract. After the signature of the framework contracts, contractors will be invited to submit a quotation when purchasing decisions are made. The procedure of placing an Order form shall commence after the second stage, once the reopening of the competition is complete, with the lowest bid Supplier (lowest price) and shall end

---

<sup>2</sup> [(2 years before last year turnover + Year before last year turnover + Last year turnover) / 3] ≥ 500,000.00 EUR.

with the highest bid Supplier. Nevertheless, if multiple framework contracts with reopening of competition cannot be awarded, the Contracting Authority may decide to either award one single framework contract or not to award any framework contract at all and relaunch the tender procedure under the same or different conditions at the first convenient opportunity.

## PARTICIPATION

### 18. Tender format and details to be provided

Tenders must be submitted using the tender form, the format and instructions of which must be strictly observed. The tender form is included in the tender dossier and is also available from the following Internet address:

[https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesC\(Ch.4\):Supplies](https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesC(Ch.4):Supplies)

The tender form must be accompanied by a declaration on honour on exclusion and selection criteria using the template included in the tender dossier, which is also available from the following Internet address:

[https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA\(Ch.2\):General](https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General)

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

### 19. How tenders may be submitted

- **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  
Attn: Amina Omerovic  
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  
Attn: Amina Omerovic  
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  
Attn: Amina Omerovic  
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 (Supply of IT Hardware and Software to the Kosovo Specialist Chambers) and the tender reference (KSCR/PROC/2023-2025/1160) must be clearly marked on the envelope containing the bid proposal and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

## 20. Deadline for submission of tenders

**The deadline for submission of tenders can be found in the Contract Notice under IV.2.2.** *Contract Notice shall be understood as Central European Time (CET) which is the standard time in Brussels.*

Any tender sent 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 but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list 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.

## 21. Clarifications on the contract notice

Any request for clarifications must be made in writing at the latest 21 days before the deadline for submission of tenders stated at section IV.2.2) of the contract notice and must be sent to:

[amina.omerovic@scp-ks.org](mailto:amina.omerovic@scp-ks.org)

Clarifications will be published on KSC's website at the latest 8 days before the deadline for the submission of tenders. The website will be updated regularly and it is the tenderers responsibility to check for updates and modifications during the submission period.

## 22. Outcome of the evaluation

By submitting a tender, tenderers 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 form.

## 23. Alteration or withdrawal of tenders

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tenders 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.