**SUPPLY FRAMEWORK CONTRACT NOTICE**

**Supply and delivery of server connectivity hardware**

**to the Kosovo Specialist Chambers (KSC)**

The Hague, The Netherlands

**Suspensive clause**

The financing decisions of the Contracting Authority (the Kosovo Specialist Chambers (KSC)) are generally adopted on an annual basis and run from 15 June through 14 June of the following year. The current financing decision of the Contracting Authority runs for two years, starting on 15 June 2021 and ending on 14 June 2023.

Please note that any contract(s) resulting from this tender procedure whereby continuation of such contract(s) is foreseen to continue beyond 14 June 2023, 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(s) 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(s) shall be suspended with immediate effect and should the period of suspension exceed 180 days, the contract(s) will automatically terminate **without the Contractor(s) being entitled to claim any compensation**.

**1. Reference**

KSCR/PROC/2021-2023/0802

**2. Procedure**

 Local open

**3. Programme title**

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

**4. Financing**

EU Grant Contract CFSP/2021/17 Kosovo Specialist Chambers

**5. Contracting authority**

Kosovo Specialist Chambers (KSC)

**CONTRACT SPECIFICATION**

**6. Nature of contract**

 Unit-price

**7. Contract description**

The subject of this contract is the supply and delivery of server connectivity hardware with a 4-year maintenance and support on hardware to the Kosovo Specialist Chambers (KSC).

**8. Number and titles of lots**

One lot only

**9. *This section has been intentionally left blank***

**CONDITIONS OF PARTICIPATION**

**10. Legal basis, eligibility and rules of origin**

Participation in this procurement procedure is open on equal terms to all natural and legal persons.

**11. 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 member 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.

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.

**12. Grounds for exclusion**

As part of the tender, tenderers must submit a signed declaration, included in the tender dossier, to the effect that they are not in any of the exclusion 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.

**13. Sub-contracting**

Subcontracting is allowed.

**PROVISIONAL TIMETABLE**

**14. Provisional commencement date of the contract**

The contract enters into force on the day on which the last party signs it.

**15. Implementation period of the tasks**

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

The period of implementation of each Order Form shall correspond to the timelines laid down in the contract documents.

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.

**SELECTION AND AWARD CRITERIA**

**16. Selection criteria**

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links 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 the 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.

1. **Economic and financial capacity of the tenderer** (based on item 3 of the 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 (3) financial years for which accounts have been closed.

The selection criterion for each tenderer is as follows:

* The average annual turnover of the tenderer over the last 3 accounting years for which the tenderer’s accounts have been closed must exceed **160,000.00 EUR**[[1]](#footnote-1).

**2)** **Professional capacity of the tenderer (**based on items 4 of the tender form).

The reference period which will be taken into account will be the last three years preceding the submission deadline.

The selection criteria for each tenderer are as follows:

* The tenderer is **duly registered, licensed or otherwise empowered** (by the competent body of the country where its head office is located) to sell the products under this tender.
* At least **1 person of the permanent staff** of the tenderer is currently working in fields related to this tender.

**3) Technical capacity of tenderer** (based on items 5 and 6 of the tender form). The reference period which will be taken into account will be the last three (3) years preceding the submission deadline.

* The tenderer has successfully completed[[2]](#footnote-2) over the past 3 years at least one sale[[3]](#footnote-3) of server connectivity hardware with maintenance and support at a price exceeding **25,000.00 Euro**.

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

**17. Award criteria**

Price.

**TENDERING**

**18. Deadline for submission of tenders**

The deadline for submission of tenders is 30 May 2022 at 17:30 (local time in The Netherlands).

**19. Tender format and details to be provided**

**Tenders must be submitted using the standard tender form.**

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

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

Any additional documentation (brochure, letter, etc.) sent with a tender will not be taken into consideration.

**20. How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority, using the means specified in point 10 of the instructions to tenderers.

**Tenders submitted by any other means will not be considered.**

By submitting a tender tenderers accept to receive notification of the outcome of the procedure by electronic means.

**21. Alteration or withdrawal of tenders**

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 15 of the instructions to tenderers.

**22. Operational language**

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

**23. Additional information**

Financial data to be provided by the tenderer in the tender submission form must be expressed in EUR.

1. [(2 years before last year turnover + year before last year turnover + last year turnover) / 3] ≥ 160,000.00 Euro (EUR). [↑](#footnote-ref-1)
2. By “successfully completed” it is meant that the supplies have been accepted and/or paid. [↑](#footnote-ref-2)
3. Understood as a one-off transaction. [↑](#footnote-ref-3)