



KOSOVO SPECIALIST CHAMBERS &
SPECIALIST PROSECUTOR'S OFFICE

FRAMEWORK SUPPLY CONTRACT NOTICE

**Framework contract for supply of 3 minibuses to the Kosovo Specialist
Chambers**

Location - The Hague; The Netherland

1. Reference

KSCR/PROC/2021-2023/0878

2. Procedure

Local open tender

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/2021/17 Kosovo Specialist Chambers

5. Contracting authority

Kosovo Specialist Chambers

CONTRACT SPECIFICATION

6. Nature of contract

Unit-price

7. Contract description

Framework contract for supply of 3 minibuses to the Kosovo Specialist Chambers

The provision of supplies will be ensured through a multiple framework contract with reopening of the competition.

By 'multiple framework contract with reopening of the competition' is meant a situation whereby separated but identical framework contracts are concluded between the Contracting Authority and several suppliers. When the contracting authority seeks to buy the supplies all the suppliers will be

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invited to submit a financial offer containing the prices of all supplies that they have in stock or that can be delivered before or on 14 June 2023. The Contracting Authority will then conclude the purchase within the terms of the framework contract based on the lowest price and availability of the goods.

8. Number and titles of lots

One lot only

9. Maximum budget

Not applicable

CONDITIONS OF PARTICIPATION

10. Legal basis, eligibility and rules of origin

The legal basis of this procedure is:

- Council Decision (CFSP)2021/904;
- EU Grant Contract CFSP/2021/17 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 limitation.

No rule (of limitation) of origin shall apply for any goods purchased.

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.

12. Grounds for exclusion

As part of the tender, tenderers must submit a signed declaration, included in the tender form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide.

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Tenderer 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

15 December 2022

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. Order forms will be placed by the Contracting Authority after reopening of the competition and evaluation of the financial offers. Order forms will be placed based on the lowest price as long as stock is available.¹

The implementation period of tasks shall run from the date of signature of the contract by both parties to the 14 June 2023.

The contract for which this tender is made shall be immediately terminated in any of the two following circumstances without the parties having any liability or obligation whatsoever to each other arising out of or in connection with the non-performance of the contract:

- **Failure by the contractor to fulfil its obligations under the contract due to delays, disruptions and/or gaps in the production and/or supply chain processes – including but not limited to parts shortages of critical vehicle components – caused by forces beyond its reasonable control.**
- **Failure by the contractor to deliver the vehicles covered by the contract on or before the 14 June 2023.**

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

¹ “As long as stock is available” refers to the actual stock of the supplier or goods ordered and accepted by the factory for which there is a 100% guarantee of production and delivery before or on 14 June 2023.

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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 financial years for which accounts have been closed.

The selection criteria for tenderers for all lots are as follows:

Criteria:

- **the average annual turnover of the candidate or tenderer for the fiscal years 2019, 2020 and 2021 must be equal or greater than 150 000,00 EUR.**

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.

Criteria:

- at least 4 staff currently work for the tenderer in fields related to this contract (supply and/or maintenance of vehicles);

2) 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 fiscal years preceding the submission deadline.

Criteria:

- The tenderer has provided services or supplies under at least 2 contracts each with a budget of at least 45 000 EUR for supply of vehicles designated for transport of persons which were implemented at any moment during the reference period: 01 January 2019 until 31 December 2021.

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference.

17. Award criteria

Award criteria for awarding the framework contract

The framework contract will be awarded based on the compliance of the technical offer with the requirements specified in the technical specifications.

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

The sole award criterion will be the price. The order will be awarded to the lowest bid “as long as stock is available”².

As an outcome of the tender procedure, the Contracting Authority shall issue an award decision naming the successful tenderers which will be invited to sign the framework contracts. After the signature of the framework contracts, suppliers will be invited to submit a definitive financial offer when purchasing decisions are made. The procedure of placing an Order form shall commence after the second stage - reopening of the competition is complete, with the lowest bid Supplier (lowest price as long as stock is available) and shall end 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.

TENDERING

18. Deadline for submission of tenders

The deadline for submission of tenders is **14 November 2022 at 17:00 Amsterdam Time**.

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 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.

² “As long as stock is available” refers to the actual stock of the supplier or goods ordered and accepted by the factory for which there is a 100% guarantee of production and delivery before or on 14 June 2023.

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 candidate in the standard application form must be expressed in EUR.