



KOSOVO SPECIALIST CHAMBERS & SPECIALIST PROSECUTOR'S OFFICE

SUPPLY CONTRACT NOTICE

Contract title: Framework contract for supply of 2 storage servers for Veeam backups
Location -The Hague, The Netherlands

1. Reference

KSCR/PROC/2021-2023/0926

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

CONTRACT SPECIFICATION

6. Nature of contract

Unit price

7. Contract description

The aim of this framework contract is supply of 2 storage servers for Veeam backups and provision of maintenance and support service.

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 invited to submit a

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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.

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. Participation is also open to international organizations.

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 in the event that its tender is accepted.

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.

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

06 March 2023

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.

The period for supply and delivery of goods is until 14 June 2023, inclusive, while the period for implementing the task runs to the two years after the provisional acceptance.

The resulting framework contract shall be immediately terminated without notice thereof and without the parties having any liability or obligation whatsoever to each other arising out of or in connection with the non-performance of this contract in following event:

- **Failure by the contractor to deliver any and all goods covered by this contract on or before the 14 June 2023 at Raamweg 47, The Hague, The Netherlands.**

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

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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.

Economic and financial criteria for legal and natural persons:

- the average annual turnover/gross income of the tenderer for the fiscal years 2019, 2020, and 2021 **must exceed 200 000 EUR/year**

- 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.

Professional criteria for legal and natural persons:

- has the legal capacity to commercialize the supplies sought under this contract;
- at least 2 staff currently work for the tenderer in fields related to this contract;

- 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 years preceding the submission deadline.

Technical criterion applicable to both legal and natural persons:

The tenderer has provided supplies under **at least 1 contract with a budget of at least 50 000 EUR** having as subject the supply of servers which was implemented at any moment during the reference period: 01 December 2019 - 01 December 2022.

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

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”.

As an outcome of the tender procedure, the Contacting 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 may be invited to submit a 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).

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 in accordance with the point 2 and 10 from the document Instructions to tenderers (included in the tender dossier).

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:

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

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