**SUPPLY FRAMEWORK CONTRACT NOTICE**

**Supply and delivery of ICT Hardware and Software to the Kosovo Specialist Chambers (KSC)**

**The Hague, The Netherlands**

**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 the awarding of the contract is 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 (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 contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.**

**Please note that any contract(s) resulting from this tender procedure whereby continuation of such contract(s) is foreseen to continue beyond 14 June 202<number>,[ as well as beyond the same calendar day 14 June of the <[one]/[two]/[three]> year[s] 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/2023-2025/1035

**2. Procedure**

Local open

**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/2023/12 Kosovo Specialist Chambers

**5. Contracting authority**

Kosovo Specialist Chambers (KSC)

**CONTRACT SPECIFICATION**

**6. Nature of contract**

unit-price

**7. Contract description**

This 4-year framework contract for the supply and delivery of ICT Hardware and Software to the Kosovo Specialist Chambers (KSC) will assure the availability of unplanned and smaller needed equipment to support new operational requirement.

**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**

The legal basis of this procedure is:

* Council Decision (CFSP)2023/1905;
* 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 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 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 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**

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 24 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 2 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 financial years for which accounts have been closed.

The selection criteria for each tenderer are following:

**For legal persons:**

* The average annual turnover of the tenderer must exceed **EUR 75,000.00;** and
* 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:**

* The available financial resources of the tenderer must exceed **EUR 75,000.00**; and
* 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 the tenderer (**based on items 4 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 selection criteria for each tenderer are following:

**For legal persons:**

* At least **5 staff** currently work for the tenderer in fields related to this contract; and
* 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:**

* **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
* 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);

1. **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 five years preceding the submission deadline.

The selection criterion for each tenderer is following:

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

* The tenderer has delivered supplies under **at least 2 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.

This means that the contract the tenderer refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to supply contracts completed within the reference period (although started earlier) or to supply contracts 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 supply contract 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 supplies provided if the selection criteria relating to the pertinence of the experience have been used.

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 15 August 2023 at 17:30 CET (The Netherlands 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:

<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 in a sealed envelope:

1. **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: Rajka Joksimovic

Raamweg 47

2596 HN The Hague

The Netherlands

1. **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: Rajka Joksimovic

Raamweg 47

2596 HN The Hague

The Netherlands

1. **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: Rajka Joksimovic

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.

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

**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**

Not applicable.