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## SUPPLY CONTRACT NOTICE

### **KSCR/PROC/2018/0277 – Framework Contract for the supply of printed materials Kosovo Specialist Chambers, The Hague, The Netherlands**

Although the current financing decision of the Contracting Authority runs for two years, starting on 15 June 2018 and ending on 14 June of 2020, any contract(s) resulting from this tender procedure will contain a suspensive clause whereby continuation of such contract(s) beyond 14 June 2019, as well as beyond the same calendar day 14 June of the one year thereafter in case of any contract renewals, will be subject to and be conditional upon:

- (i) continuation or extension of the mandate of the Contracting Authority;
- (ii) prior adoption of a financing decision and the prior conclusion of a financing agreement for the Contracting Authority;
- (iii) availability of funds in the relevant budget line(s) of such financing agreement.

If any of the above conditions are not satisfied, the contract shall be suspended with immediate effect and should the period of suspension exceed 90 days, the contract will automatically terminate.

#### **1. Publication reference**

KSCR/PROC/2018/0277- Framework Contract for the Supply of Printed Materials

#### **2. Procedure**

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/2018/12/Kosovo Specialist Chambers

#### **5. Contracting authority**

Kosovo Specialist Chambers

Clarifications may be sought from the contracting authority at the following email address [victor.fona@scp-ks.org](mailto:victor.fona@scp-ks.org) at the latest 21 days before the deadline for submission of applications stated at the point 19 below.

Clarifications will be published on the website of Kosovo Specialist Chambers

(<https://www.scp-ks.org/en/procurement/procurement-regime> ) at the latest 11 days before the deadline.

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## CONTRACT SPECIFICATIONS

### 6. Description of the contract

The Supply and Delivery of Printed Materials

### 7. Number and titles of lots

One lot only<sup>1</sup>

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## TERMS OF PARTICIPATION

### 8. Eligibility and rules of origin

Participation in this tender procedure is open to all natural and legal persons without limitation.

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

### 9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the 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.

### 10. Number of tenders

The candidates may submit only one application for the one lot only. Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.

Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted.

### 11. Tender guarantee

No tender guarantee is required.

### 12. Performance guarantee

No performance guarantee is required.

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<sup>1</sup> The estimated quantities for the maximum duration of the contract as mentioned in Annex V- Budget breakdown (Financial offer) do not commit the Contracting Authority to make any purchase, however the intention of the Contracting Authority is to procure up to the maximum during the whole duration of the contract.

### **13. Information meeting and/or site visit**

No information meeting is planned

### **14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers).

### **15. Period of implementation of 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 1 year starting from the date of its signature by both the Contracting Authority and the Contractor.

Such contract shall then be renewed automatically up to two times – each time for a period of maximum 1 year each, with an ultimate expiry date of 14 June 2021 – 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.

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## **SELECTION AND AWARD CRITERIA**

### **16. Selection criteria**

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 unless 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 tenderer** (based on i.a. item 3 of the tender form for a supply contract). 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.

The selection criteria for each tenderer are as follows:

Criteria for legal persons:

- 1- the average annual turnover of the tenderer must exceed 200,000.00 Euros;*
- 2- Current assets must exceed 100,000.00 Euros;*
- 3- Current liabilities must be lower than 200,000.00 Euros*

- 2) **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the tender form for a supply contract). The reference period which will be taken into account will be the last three years from submission deadline.

Criteria for legal persons:

- 1- *at least **6 staff** currently work for the tenderer in fields related to this contract;*
- 2- *the tenderer holds a quality certification from a recognized body.*

- 3) **Technical capacity of tenderer** (based on i.a. items 5 and 6 of the tender form for a supply contract). The reference period which will be taken into account will be the last five years from submission deadline.

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and 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. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

Criteria for legal persons:

- 1- *the tenderer has provided supplies based on at least 2 contracts for a value of **at least 200,000.00 Euros each**, which were implemented at least 5 years before the submission deadline*

Capacity-providing entities

An economic operator 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. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderer relies in majority on the capacities of other entities or when they rely on key criteria. If the tenderer relies on other entities it must prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing a commitment on the part of 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 the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

## 17. Award criteria

Price

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# TENDERING

## 18. How to obtain the tender dossier

The tender dossier is available from the contracting authority (<https://www.scp-ks.org/en/procurement/calls-tender>). Tenders must be submitted using the standard tender form for a supply contract included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to [victor.fona@scp-ks.org](mailto:victor.fona@scp-ks.org) (mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of tenders given in item 19. The contracting authority must reply to all tenderers' questions at the latest 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website of the contracting authority (<https://www.scp-ks.org/en/procurement/calls-tender> )

## 19. Deadline for submission of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders, either by post or private mail service, or by hand delivery.

In the first case, the application/tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>2</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender which will serve as proof.

**Deadline for submission of tenders is 26 April 2019 at 17:00 hours CET.**

Any tender submitted to the contracting authority after this deadline will not be considered.

**The contracting authority may, for reasons of administrative efficiency, reject any application or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.**

### How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

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<sup>2</sup> It is recommended to use registered mail in case the postmark would not be readable.

- EITHER by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

**Kosovo Specialist Chambers  
Victor-Aurelian Fona, Procurement Unit  
Saturnusstraat 9  
2516 AD The Hague  
The Netherlands**

- OR 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  
Victor-Aurelian Fona, Procurement Unit  
Saturnusstraat 9  
2516 AD The Hague  
The Netherlands**

Monday to Friday, except the Public Holidays, between 09:00 and 17:00 hours, to be handed to Victor-Aurelian Fona or a designated person from the Procurement Unit.

**Please note that the local post office does not service the physical address of the Kosovo Specialist Chambers. Submission of tenders through regular surface mail, or by any other means not specified in the tender documents, may result in the tender not being delivered on time, or to not be delivered at all, and/or can result in non-acceptance of receipt or rejection of the tender.**

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.

## **20. Tender opening session**

**06<sup>th</sup> of May 2019 at 16:00 at KSC Headquarters.**

## **21. Language of the procedure**

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

## **22. Legal basis<sup>3</sup>**

Council Decision (CFSP) 2017/973;

EU Grant Contract CFSP/2018/12 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)

## **23. Additional information**

Not applicable

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<sup>3</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).