

SERVICE CONTRACT NOTICE

EU for Serbia - Support to the Supreme Court of Cassation Location - Republic of Serbia

1. Publication reference

EuropeAid/139207/DH/SER/RS

2. Procedure

Restricted

3. Programme title

IPA 2016 National Programme for Serbia

4. Financing

Financing Agreement

5. Contracting Authority

The European Union, represented by the Delegation of the European Union to the Republic of Serbia on behalf of and for the account of the partner country, the Republic of Serbia.

CONTRACT SPECIFICATION

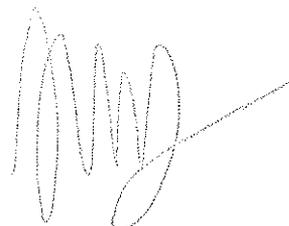
6. Nature of contract

Fee-based

7. Contract description

The purpose of this contract is to strengthen the capacities of the Supreme Court of Cassation (SCC) and courts in ensuring efficient functioning of courts, in particular with reference to backlog reduction, Alternative Dispute Resolution (ADR) system and case law harmonisation.

- 1) With reference to backlog reduction, the project shall focus on further reducing backlog cases in the Serbian courts, mainly, but not limited on enforcement cases. In this regard the project will seek to further strengthen capacities of SCC and ordinary courts in developing, implementing and monitoring of backlog reduction policies, implementing/developing relevant strategies, as well as implementing annual backlog reduction plans.
- 2) With reference to ADR system, the project shall enhance the use of mediation by courts by increasing the understanding of the ADR benefits among judges, court administration, lawyers, and citizens as well by analysing the legal framework and the referral mechanisms, and developing further the adequate service within all Basic, Higher and Commercial courts.
- 3) With reference to Case Law harmonisation, the project shall focus on further enriching with both domestic, Court of Justice of the European Union and European Court of Human Rights decisions the earlier developed case law database.



8. Number and titles of lots

One lot only

9. Maximum budget

EUR 1,500,000

10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the estimated amount of approximately 1,500,000. Any extension of the contract would be subject to satisfactory performance by the Contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N°236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed (see also heading 29 below) . Participation is also open to international organisations.

12. Candidature

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

13. Number of applications

No more than one application 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 an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG - 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.



15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the PRAG.

16. Sub-contracting

Subcontracting is allowed up to maximum 25% of the contract value.

17. Number of candidates to be short-listed

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

November 2017

19. Provisional commencement date of the contract

March 2018

20. Initial period of implementation of tasks

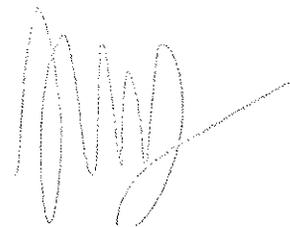
24 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

The following selection criteria will be applied to candidates. In the case of applications 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 candidate** (based on item 3 of the application form). In case of candidate 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.
 - a) The average annual turnover of the candidate must exceed EUR 750,000.
- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last five years from submission deadline.
 - a) at least 8 permanent staff currently work for the candidate in fields related to this contract.
- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last five years from submission



deadline.

- a) The candidate has provided services under at least two projects (the candidate's portion equal to or greater than 400,000 EUR for his services in each project) covering altogether at least 2 of the fields described in Article 7.

This means that the project the candidate 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. Candidates/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, proof of final payment). In case of projects still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

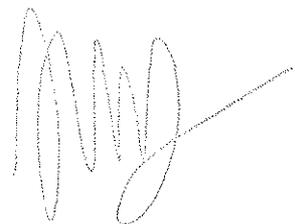
An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for 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 - notably that of nationality - and must fulfil the same relevant selection criteria as the economic operator. 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 works or services 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- the total number of the reference projects found eligible under 21.3.(a), and in case of equality on this criterion, then
- the value of the eligible part (the proportion carried out by the candidate) of projects found eligible under 21.3.(a)

22. Award criteria

Best price-quality ratio.



APPLICATION

23. Deadline for receipt of applications

16:00 hrs Central European Time on **17 November 2017**

Any application received by the Contracting Authority after this deadline will not be considered.

24. Application format and details to be provided

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:

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

The application must be accompanied by a declaration of 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 an application will not be taken into consideration.

25. How applications may be submitted

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) to :

Delegation of the European Union to the Republic of Serbia
Vladimira Popovica 40/V, 11070 New Belgrade, SERBIA
For the attention of: Finance and Contract section
Delegation-serbia-fcs@eeas.europa.eu
Tel. +381.11.3083200

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Delegation of the European Union to the Republic of Serbia
Vladimira Popovica 40/V, 11070 New Belgrade, SERBIA
For the attention of: Finance and Contract section
Delegation-serbia-fcs@eeas.europa.eu
Tel. +381.11.3083200

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

The Contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority.

Applications submitted by any other means will not be considered.



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By submitting an application 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 application.

26. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. Operational language

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

28. Date of publication of prior information notice

05/09/2017

29. Legal basis¹

Regulation (EU) N°236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and

Regulation (EU) No°231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

30. Additional information

Opening hours of the Contracting Authority: 9:30-16:00 CET.

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).