

SERVICE PROCUREMENT NOTICE

Further Assistance to the Energy Regulatory Agency

Location: Republic of Serbia

07SER01/35/11

1. Publication reference

EuropeAid/126972/C/SER/YU

2. Procedure

Restricted

3. Programme

IPA 2007

4. Financing

2007 National IPA Programme

5. Contracting Authority

European Community, represented by the European Commission Delegation to the Republic of Serbia on behalf of and for the account of the beneficiary country.

CONTRACT SPECIFICATION

6. Nature of contract

Fee based

7. Contract description

The overall objective of the project is to establish a stable and transparent regulatory regime in Serbia in accordance with the national legal framework and the relevant EC Directives.

The purpose of this project is to provide further technical assistance to the AERS to build and develop the capacity of the Agency (building on earlier capacity building TA).

The Consultant is expected to achieve:

- Implementation of the requirements of the Road Maps/ Action Plans for the Energy Community Treaty
- Improved market monitoring and enhanced price/ tariff regulation giving proper incentives to improve efficiency of the utilities
- Increased professional capacity of AERS staff and trained staff.

The Consultant must have expertise in:

- Development of gas and/or electricity markets,
- The field of regulatory accounting
- The design, implementation, and/ or operation of electricity markets
- Design, implementation, and/or operation of gas markets.

8. Number and titles of lots

One lot.

9. Maximum budget

€1,500,000.00

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 a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the Contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

Participation is open to all legal persons participating either individually or in a grouping (consortium) of candidates which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see also item 30 below). Participation is also open to international organisations. The participation of natural persons is governed by the specific instruments applicable to the programme under which the contract is financed.

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 (ie, 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. 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 Practical Guide to contract procedures for EC external actions

16. Sub-contracting

Sub-contracting is not allowed

17. Number of candidates to be short-listed

On the basis of the applications received, between 4-8 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

October 2008.

19. Provisional commencement date of the contract

February 2009.

20. Initial period of execution and possible extension of the contract

18 months, with possible extension.

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:

- 1) Economic and financial capacity of candidate (based on item 3 of the application form)
 - (a) the average annual turnover of the candidate for the last two years (2006 and 2007) must exceed 750,000 Euro; and
 - (b) the averages of cash and cash equivalents at the beginning and end of year are positive.
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
 - (a) at least 8 permanent staff working for the candidates currently work in fields related to this contract; and

3) Technical capacity of candidate (based on items 5 and 6 of the application form)

(a) The candidate has completed at least two projects (where the candidate's proportion is greater than 400,000 Euro for services in each project) in any of the fields of expertise set out in Article 7 within the 5 year period prior to the closing date for submission of applications or has commenced such projects no later than 2007.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best applications for the tender procedure. The only factor which will be taken into consideration during this re-examination is the number of projects eligible under the above-mentioned criteria 3 (a). If two or more candidates reach the same number of projects the candidates with a higher total value will prevail.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

16:00 Central European Time on 15/10/2008.

Any application received after this deadline will not be considered.

24. Application format and details to be provided

Applications must be submitted using the standard application form (available from the following Internet address: http://ec.europa.eu/europeaid/work/procedures/index_en.htm), whose format and instructions must be strictly observed.

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:

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

Ms Snjezana Djukic

snjezana.djukic@ec.europa.eu

Tel.: +381 11 3083 285

Fax: +381 11 3083 201

Finance and Contracts, 9th Floor

Delegation of the European Commission to the Republic of Serbia

GTC 19 Avenue Building

Vladimira Popovica 40

11070 Belgrade

Serbia

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

Same address as above.

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.

26. Alteration or withdrawal of applications

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Clause 25. The outer envelope (and the relevant inner envelope) 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. Additional information

Not applicable.

29. Date of publication of contract forecast

17/04/2008.

30. Legal basis

Council regulation (EC) N° 1085/2006 of 17 July 2006