

SUPPLY PROCUREMENT NOTICE

Delivery and installation of forensic software for the Commission for Protection of Competition

Location – Serbia

1. Publication reference

EuropeAid/131368/C/SUP/RS

2. Procedure

Open

3. Programme

IPA

4. Financing

Budget line 22.020200

5. Contracting authority

European Union, represented by the European Commission on behalf of and for the account of the beneficiary country

CONTRACT SPECIFICATIONS

6. Description of the contract

The subject of the contract is the supply, delivery, installation, commissioning and after sales service of forensic software and related hardware for the Commission for Protection of Competition (CPC) and provision of trainings on its application for CPC staff.

7. Number and titles of lots

The tender procedure is not divided into lots.

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation is open to all legal persons participating either individually or in a grouping (consortium) of tenderers 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 item 22 below).

All goods supplied under this contract, except Item 1 (Forensic Software) and Item 2 (Forensic Hardware), must originate in one or more of these countries.

Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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 point 2.3.3 of the Practical Guide to contracts procedures for EU external actions.

10. Number of tenders

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

11. Tender guarantee

Tenderers must provide a tender guarantee of **EUR 2,000.00** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer(s) upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of 10% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

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.

15. Period of implementation of tasks

The implementation period of the tasks shall be 120 days from the date of issuance of Commencement Order.

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:

- 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.
 - (a) The annual turnover of the tenderer for the years 2009 and 2010 must be equal to or exceed the value of the submitted financial proposal.

- 2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract)
 - (a) At least 3 persons of the permanent staff of the tenderer currently working in the fields related to this contract.
- 3) Technical capacity of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract)
 - a) the tenderer has completed (the final acceptance issued) at least two forensic software projects, each with a budget of at least 100,000.00 EUR (proportion supplied by the tenderer will be taken into consideration), within the three years period prior to the deadline for submission of tenders;
 - b) At least one of the eligible projects identified under the technical criterion 3(a) shall include training on the application of the forensic software.

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 rely in majority on the capacities of other entities or when they rely on key criteria. If the tenderer rely 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 an undertaking 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. 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.

17. Award criteria

Price

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the Contracting Authority. 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

Delegation of the European Union to the Republic of Serbia

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Finance and Contracts, 9th floor

GTC 19 Avenue Building

Vladimira Popovica 40

11070 Belgrade, Serbia

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 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 EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>.

19. Deadline for submission of tenders

27 October 2011 at 14:00 Central European Time

Any tender received after this deadline will not be considered.

20. Tender opening session

27 October 2011 at 15:00 Central European Time at the premises of the Delegation of the European Union to the Republic of Serbia, GTC 19 Avenue Building, Vladimira Popovica 40, Belgrade, Serbia

21. Language of the procedure

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

22. Legal basis

Instrument for Pre-Accession Assistance (Council Regulation (EC) N° 1085/2006 - OJ L 210/82 of 31.7.2006)

23. Additional information

As indicated under point 8 above, the rule of origin does not apply to Item 1 (Forensic Software) and to Item 2 (Forensic Hardware). Therefore these two Items can originate in countries other than those stipulated in the mentioned point 8.