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## SUPPLY CONTRACT NOTICE

### Supply of IT equipment and software for improvement of case management systems for the Prosecutors' Offices and the administration for the enforcement of criminal sanctions

#### Location - Republic of Serbia

#### 1. Publication reference

EuropeAid/139372/DH/SUP/RS

#### 2. Procedure

Open

#### 3. Programme title

IPA 2015 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.

Clarifications may be sought from the contracting authority at the following email address [DELEGATION-SERBIA-FCS@eeas.europa.eu](mailto:DELEGATION-SERBIA-FCS@eeas.europa.eu) 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 DG International Cooperation and Development at the latest 11 days before the deadline.

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## CONTRACT SPECIFICATIONS

#### 6. Description of the contract

The subject of the contract is the supply, installation, commissioning of turn-key customised centralised case management systems (CMS) for Prosecutors' Offices (SAPO) and Administration for the Enforcement of Criminal Sanctions System (SAPA), including software development, user training, equipment and necessary bundles of third-parties software licenses.

#### 7. Number and titles of lots

2 (two) lots:

Lot 1: IT equipment and software for improvement of case management system in the prosecutor's offices

Lot 2: IT equipment and software for improvement of case management system in the administration for the enforcement of criminal sanctions

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## **TERMS OF PARTICIPATION**

### **8. Eligibility and rules of origin**

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) No 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 22 below). Participation is also open to international organisations.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure

All supplies under each contract must originate in one or more of these countries.

### **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 a tender for one lot only or both lots, but only one tender may be submitted per lot. 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.

Contracts will be awarded lot by lot and each lot will form a separate contract. 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.

## **11. Tender guarantee**

Tenderers must provide a tender guarantee (per lot) of

- EUR 20,000 for lot 1;
- EUR 20,000 for lot 2;

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. 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**

The period of implementation of tasks for each lot shall be 18 months from the day of issuance of Commencement Order until the day of issuance of the certificate of Provisional Acceptance.

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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.

For each tendered lot:

- a) the average annual turnover of the tenderer for the past three years for which accounts have been closed must be at least equal to the amount of the financial offer for each lot tendered.
  - b) ratio (current assets/current liabilities) for 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.
- 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<sup>1</sup>.

For each tendered lot:

- a) The number of staff working for the tenderer in technical fields such as database design, data model design, data analysis, and data management is at least 2 (two) for each year: 2016, 2017 and 2018.
  - b) The number of staff working for the tenderer in technical fields related to custom software development is at least 2 (two) for each year: 2016, 2017 and 2018.
  - c) Additional requirements
    - at least 1 (one) permanent staff currently works for the tenderer in fields related to this contract that will act as Project Manager with experience in at least one project/contract related to implementation of custom software application of complexity comparable to that of this contract. Project Manager can be the same if tenderer applies for more than one lot.
    - at least 1 (one) permanent staff currently works for the tenderer in fields related to this contract that will act as System Analyst with experience as a Business Analyst or System Analyst in at least one project/contract related to implementation of custom software application of complexity comparable to that of this contract. System Analyst can be the same if tenderer applies for more than one lot.
- 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.

For each tendered lot:

- a) the tenderer has delivered supplies under at least 1 (one) contract with a budget (portion supplied by legal entity) of at least EUR 1,000,000 in the field of ICT hardware and commercial software;
- b) the tenderer has developed custom software under at least 1 (one) contracts with a budget (portion supplied by legal entity) of at least EUR 200,000;
- c) the tenderer has delivered training under at least one contracts with a target group of at least 60 trainees in the field of commercial software solutions.

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.

#### 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.

#### **Critical tasks**

The Contracting Authority requires that the following critical tasks will be performed directly by the tenderer itself, or where the tender is submitted by a joint venture/consortium, by one of its participating members:

Each tendered lot:

- Detailed design of the solution and user training;
- Data cleaning and migration.

### **17. Award criteria**

Price

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## 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-SERBIA-FCS@eeas.europa.eu](mailto:DELEGATION-SERBIA-FCS@eeas.europa.eu) (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 DG International Cooperation and Development at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

### 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.

Submission deadline: Please see Instructions to Tenderers.

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

**Delegation of the European Union to the Republic of Serbia**

**Vladimira Popovica 40, 5<sup>th</sup> floor, 11070 New Belgrade, SERBIA**

**For the attention of: Finance, Contract and Audit section**

- 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:

**Delegation of the European Union to the Republic of Serbia**

**Vladimira Popovica 40, 5<sup>th</sup> floor, 11070 New Belgrade, SERBIA**

**For the attention of: Finance, Contract and Audit section**

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**

Time and date: Please see Instructions to Tenderers.

Venue: Delegation of the European Union to the Republic of Serbia

Vladimira Popovica 40, 5th floor, 11070 New Belgrade, Serbia

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

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

## **22. Legal basis**

Regulation (EU) No 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).

## **23. Additional information**

- Opening hours of the Contracting Authority: 09:00- 16:00 Central European Time (Monday - Friday).
- Tenders are encouraged to inform the contracting authority of the offer submission date and/or their intention to attend the public opening by sending an email to [DELEGATION-SERBIA-FCS@eeas.europa.eu](mailto:DELEGATION-SERBIA-FCS@eeas.europa.eu) at least 48 hours before the public opening.