

## SERVICE CONTRACT NOTICE

### Technical Assistance to AERS – Approximation of NRA Tasks to the Third Energy Package Location – Republic of Serbia

**1. Publication reference**

EuropeAid/138046/IH/SER/RS

**2. Procedure**

Restricted

**3. Programme title**

National Programme for Serbia under IPA II for the year 2014

**4. Financing**

Financing agreement

**5. Contracting Authority**

The Government of the Republic of Serbia, represented by the Ministry of Finance, Department for Contracting and Financing of EU Funded Programmes (CFCU), Belgrade, Serbia

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## CONTRACT SPECIFICATION

**6. Nature of contract**

Global price

**7. Contract description**

The purpose of this contract is to provide technical assistance to national regulatory authority (Energy Agency of the Republic of Serbia – AERS) with the aim to develop regulatory instruments (policies, mechanisms and operational practises) required for implementation of the tasks in line with best regulatory practise and the EU energy acquis (e.g. the 3<sup>rd</sup> Package of EU International Energy Market legislation, Infrastructure Package, applicable Network codes). Accordingly, the contract predicts following activities:

- Approximation of AERS tasks to the new EU energy acquis
- Developing regulatory mechanisms supporting electricity and gas network investments
- Upgrading market monitoring and enforcement function of AERS
- Training staff for implementation of new regulatory tasks
- Developing specification of IT needs and preparing relevant parts of tender dossier for AERS integrated information system in line with applicable PRAG rules.

**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 EUR 1,500,000. Any extension of the contract would be subject to satisfactory performance by the Contractor.

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**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 -

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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 15% of the total value of the contract.

#### **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.

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### **PROVISIONAL TIMETABLE**

#### **18. Provisional date of invitation to tender**

January 2017

#### **19. Provisional commencement date of the contract**

July 2017

#### **20. Initial period of implementation of tasks**

18 months

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### **SELECTION AND AWARD CRITERIA**

#### **21. Selection criteria**

Same criteria for legal and natural persons.

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 over the last three years must be at least 1,000,000 EUR.
  - b) Current ratio (current assets/current liabilities) in 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

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each member.

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 5 staff currently work for the candidate in the 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 one contract with a budget of at least 750,000 EUR in developing regulatory instruments (policies, mechanisms and operational practices) in energy sector, which was implemented at any moment during the reference period,

AND

b) The candidate has provided services under at least one contract with a budget of at least 125,000 EUR in the field of design of information system and preparation of related technical specifications, which was implemented at any moment during the reference period.

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 reexamined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- 1) Total number of the reference projects found eligible under point 21.3. (please note that a reference project found eligible both under 21.3.a) and 21.3.b) will only be counted once in the re-examination) and in case of equality on this criterion, then
- 2) The value of the eligible part (the portion carried out by the candidate) of the projects found eligible under criterion 21.3.

## **22. Award criteria**

Best price-quality ratio.

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## **APPLICATION**

### **23. Deadline for receipt of applications**

15:00 hrs Central European Time on 21<sup>st</sup> November 2016

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:

Government of the Republic of Serbia, Ministry of Finance  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for Tender Evaluation and Contracting  
3-5 Sremska Street, VII floor, office 701, 11000 Belgrade  
Republic of Serbia

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:

Government of the Republic of Serbia, Ministry of Finance  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for Tender Evaluation and Contracting  
3-5 Sremska Street, VII floor, office 701, 11000 Belgrade  
Republic of Serbia

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.

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**

4<sup>th</sup> May 2016

#### **29. Legal basis<sup>1</sup>**

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**

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

Opening hours of the Contracting Authority for the submission of applications: 08:00 – 15:00 Central European Time.

Please note that, in order to ensure efficient electronic correspondence with the Contracting Authority, candidates must provide e-mail addresses capable of receiving e-mails of at least 20 MB (twenty Megabytes) or else specify their inbox size.

Applicants may submit questions in writing to the address defined under point 25 of this Contract Notice or to the e-mail address [cfcu.questions@mfin.gov.rs](mailto:cfcu.questions@mfin.gov.rs) up to 15 days before the deadline for submission of tenders, specifying the publication reference and the contract title.

The Contracting Authority will publish answers to all received questions on the EuropeAid website at the latest 5 days before the deadline for submission of applications and has no obligation to provide any further clarifications after this date.

Any tenderer seeking to arrange individual meetings with the Contracting Authority and/or the government of the partner country and/or the European Commission concerning this contract during the application period may be excluded from the application procedure.

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