

**BA-Sarajevo: IPA — technical assistance support to meet the requirements of the Energy Community Treaty for south-east Europe, with a particular focus on energy efficiency and renewable energies**

**2009/S 229-327981**

**Bosnia and Herzegovina (BA)**

**Service procurement notice**

Common procurement vocabulary (CPV):

Main object:

71314300 Energy-efficiency consultancy services

1. **Publication reference:**

EuropeAid/126852/C/SER/BA.

Internet address:

General address of the contracting authority: <http://www.delbih.ec.europa.eu/>

2. **Procedure:**

Restricted.

3. **Programme:**

IPA.

4. **Financing:**

Financing agreement.

5. **Contracting authority:**

European Community, represented by the European Commission, on behalf of and for the account of the beneficiary countries.

6. **Nature of contract:**

Fee-based.

7. **Contract description:**

The overall objective of the project of which this contract will be a part is to assist in the reform of the energy sector in Bosnia and Herzegovina and to create a single, country-wide energy market which is regulated and integrated into SEE and the EU in line with commitments to the Energy Community Treaty, Energy Charter Treaty, Kyoto Protocol and all aspects of the 'acquis communautaire' relating to energy efficiency, renewable energies and energy sustainability.

The purposes of this contract are as follows:

1. to educate energy stakeholders about energy efficiency/renewable energy;
2. to demonstrate the means by which a municipality and its households could improve energy efficiency and uptake of renewables;
3. to build the capacity necessary to do this in Bosnia and Herzegovina; and
4. to develop the legal framework that provides a basis for establishing an institutional and policy framework for energy efficiency and renewable energies and supports energy market reforms.

8. **Numbers and titles of lots:**

The contract is divided into lots: no, 1 lot only.

9. **Budget:**

Maximum budget: 2 500 000 EUR.

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 29 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.

See also [http://ec.europa.eu/europeaid/work/procedures/implementation/eligibility/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/eligibility/index_en.htm) next enter 'General Annex A2, eligibility programmes 2007–2013' and go to 'Instrument for Pre-Accession Assistance (Council Regulation (EC) No 1085/2006 — OJ L 210/82 of 31.7.2006)'.

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 1 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 1 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 shortlisted application forms will be excluded from this restricted tender procedure. Shortlisted 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. **Subcontracting:**

Subcontracting is allowed.

Maximum percentage of the contract value which may be subcontracted — 30 %.

Activities which may be subcontracted: local market research, development of websites, preparation of promotional material, advertising.

17. **Number of candidates to be shortlisted:**

On the basis of the applications received, at least 4 and at most 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:**  
1.2.2010.
19. **Provisional commencement date of the contract:**  
1.7.2010.
20. **Initial period of implementation of tasks:**  
Duration in months: 24.

**Selection and award criteria**

21. **Selection criteria:**  
Same criteria for legal and natural person.  
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:  
In the case of the applicant being a public body equivalent information should be provided:
    1. the average annual turnover of the candidate for the last 3 years (2006, 2007 and 2008) must have been at least 2 000 000 EUR.
  - 2) Professional capacity of candidate:
    1. at least 10 permanent staff currently work in the 3 fields related to this contract (energy efficiency and/or renewable energies; civil works related to EE/RE; development of legislation and/or capacity-building related to EE/RE), with at least 3 working in each one of the 3 fields.
  - 3) Technical capacity of candidate:
    1. the candidate has worked successfully on at least 2 completed projects in the fields related to this contract (energy efficiency and/or renewable energies including some form of civil works or their supervision; and development of legislation or capacity-building related to EE/RE) in the last 36 months prior to the date of publication of this procurement notice. The proportion carried out by the candidate must have been at least 70 %;
    2. the budget of at least 1 of the aforementioned projects must have been above or equal to 1 000 000 EUR;
    3. at least 1 of the aforementioned projects must have been carried out in EU Member States or any of the countries with the official status of EU candidate or potential candidate country.
- 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 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.
- 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 8 best applications for the tender procedure.
- The only factors which will be taken into consideration during this re-examination are:
- (a) the number of completed relevant projects in the fields related to this contract as per point 3 'Technical capacity of candidate' that have been carried out within the last 36 months prior to the launch of this tender

in EU Member States or any of the countries with the official status of EU candidate or potential candidate countries;

(b) the total financial value of the relevant projects selected under criterion (a) above.

22. **Award criteria:**

Best value for money.

**Application**

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

4.1.2010 (16:00), local time.

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, the format and instructions of which must be strictly observed. The application form is available at the following Internet address: [http://ec.europa.eu/europeaid/work/procedures/implementation/services/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_en.htm)

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 exclusively to the contracting authority in the following language — English:  
— either by recorded delivery (official postal service) to:

Delegation of the European Commission to Bosnia and Herzegovina, attention: Contract and Finance Section — Procurement Team, Skenderija 3a, 1st Floor, 71000 Sarajevo, BOSNIA AND HERZEGOVINA,

— or hand-delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to:

attention: Contract and Finance Section — Procurement Team.

As in abovementioned address.

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 applications. No applications 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 contract forecast notice:**

22.3.2008.

29. **Legal basis:**

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA).

30. **Additional information**

31. **Date of dispatch of this notice:**

17.11.2009.