

SERVICE PROCUREMENT NOTICE

Support to Implementation of the "Integrated Pollution Prevention and Control" Directive

Bosnia and Herzegovina

EC/BiH/08/013

1. Publication reference

EuropeAid/126648/C/SER/BA

2. Procedure

Restricted

3. Programme

IPA 2007

4. Financing

BGUE-B2009-22.020200-C8-ELARG DELBIH

5. Contracting Authority

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

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The Delegation of the European Commission to Bosnia and Herzegovina is planning to provide technical assistance to BiH as further support to the overall objective of strengthening the administrative capacity of the institutions involved in environmental protection and ensuring the implementation of the already transposed EU legislation.

The specific objective of the assistance will be to support the integrated approach for sustainable development and compliance control with regards to implementation of the "Integrated Pollution Prevention and Control" (IPPC) and the "European Pollutant Transfer and Release Registry" (EPRTR) Directives.

Support will be provided in further transposition and implementation planning of the industrial emissions directives with a focus on the IPPC Directive; and in the areas of environmental permitting, Best Available Technologies guidance, enforcement, pollutant release and transfer registries, and field monitoring.

8. Number and titles of lots

N/A

9. Maximum budget

1,200,000 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 30 below and 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) N° 1085/2006 - OJ L 210/82 of 31.7.2006)**.

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 allowed. Maximum percentage allowed is 30%.

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

May 2009

19. Provisional commencement date of the contract

October 2009

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

24 months.

For possible extension of the contract, please refer to Item 10.

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). In case of applicant being a public body, equivalent information should be provided.
 - (a) The annual turnover of the candidate must exceed 1 million EUR for each of the past two years (2007 and 2008).
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
 - (a) At least eight of the staff (temporary and/or permanent) employed by the candidate(s) work currently in the fields related to this contract: institutional strengthening and capacity building, environmental management work with government and industry, support in transposition and implementation of EU Directives in the *acquis* environment chapter, IPPC Directive implementation and compliance, environmental monitoring and statistics.
- 3) Technical capacity of candidate (based on items 5 and 6 of the application form)
 - (a) Over the last 36 months prior to the launch of this tender, the candidate(s) have successfully completed at least two projects in excess of €1,000,000 in the fields related to this contract¹.

¹ institutional strengthening and capacity building, environmental management work with government and industry, support in
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The proportion carried out by the candidate(s) must exceed 65%. Out of the two projects, **one must have been carried out in a Member State** or any of the countries with official status of the EU candidate or potential candidate countries.

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 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 reexamined to identify the eight 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 projects in the fields related to this contract as per criterion 3(a) carried out in the Member States or any of the countries with official status of the EU candidate or pre-candidate countries over the last 36 months prior to the launch of this tender
- (b) The total financial value of the completed projects in the fields related to this contract as per criterion 3(a) over the last 36 months prior to the launch of this tender.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

30 March 2009; 12:00 Central European 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 (available from the following Internet address: http://ec.europa.eu/europeaid/work/procedures/index_en.htm), next enter IMPLEMENTATION chose service contract and go to relevant annexes. The format and instructions of these forms 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) OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to :

Delegation of the European Commission to Bosnia and Herzegovina

Attn: Procurement Team

Skenderija 3A

71 000 Sarajevo

Bosnia and Herzegovina

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

N/A

29. Date of publication of contract forecast

31/01/2008

30. Legal basis

Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)