

## SERVICE CONTRACT NOTICE

Support to implementing anti-corruption strategies in Bosnia and Herzegovina

EC/BiH/TEN/17/014

**1. Publication reference**

EuropeAid/139068/DH/SER/BA

**2. Procedure**

Restricted

**3. Programme title**

Country Action Programme on Bosnia and Herzegovina for the year 2014

**4. Financing**

BGUE-B2017-22.020101-C8-NEAR DELBIH

**5. Contracting Authority**

European Union represented by the European Commission on behalf of and for the account of Bosnia and Herzegovina

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## CONTRACT SPECIFICATION

**6. Nature of contract**

Fee-based

**7. Contract description**

The purpose of this contract is to further enhance the capacities of the relevant institutions in Bosnia and Herzegovina (BiH) to effectively coordinate and monitor the implementation of anti-corruption strategies and related action plans with a harmonised approach as well as to better address corruption in the private sector and to improve communication towards media and citizens.

Where corruption prevention bodies, anti-corruption strategies and/or related action plans are not yet established on all levels of governance of BiH the support shall focus on their constitution.

Relevant fields of this contract are the following:

- Strengthening implementation, coordination, monitoring and evaluation of anti-corruption policies (anti-corruption strategies, action plans, etc. ) and legislation;
- Capacity building, incl. training, on prevention of corruption in both public and private sector;
- Capacity building, incl. training, on communication and awareness-raising in the context of countering, meaning preventing and fighting corruption.

**8. Number and titles of lots**

One lot only

**9. Maximum budget**

EUR 750,000.00

**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 750,000.00. 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 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 29 below). 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.

### **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 - 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.

### **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

March 2018

### 19. Provisional commencement date of the contract

June 2018

### 20. Initial period of implementation of tasks

24 months

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## 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 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 must exceed EUR 500,000.

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 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 3 permanent staff work for the candidate in 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 1 contract (the candidate's portion equal or greater than 500,000 EUR for its service in the project) covering at least two of the relevant fields described in Section 7 of this Contract Notice.

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:

- i) the total number of the reference projects found eligible under 21.3.(a) and, in case of equality of this criterion, then
- ii) the value of the eligible part (the proportion carried out by the candidate) of the reference projects found eligible under criterion 21.3.(a).

## **22. Award criteria**

Best price-quality ratio.

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## **APPLICATION**

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

**16:00 hrs** Central European Time on **5<sup>th</sup> February 2018**.

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/frag/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/frag/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 :

Contract, Finance and Audit Section - Procurement Team  
Delegation of the European Union to Bosnia and Herzegovina  
Skenderija 3a, 71000 Sarajevo  
Bosnia and Herzegovina

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:

Opening hours: Monday to Thursday 09:30-16:30; Friday 09:30-14:00

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**

11 July 2017

#### **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)

Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11th March 2014 establishing an Instrument for Pre-accession Assistance (IPA II)

#### **30. Additional information**

None.

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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).