
SUPPLY CONTRACT NOTICE

Enhance the quality and safety of information exchange among Law Enforcement Agencies (LEAs) in Bosnia and Herzegovina

Tender no: EC/BiH/TEN/18/002

Western Balkan – Bosnia and Herzegovina

1. Publication reference

EuropeAid/139465/DH/SUP/BA

2. Procedure

Open

3. Programme title

IPA/2015/037-888 Country Action Programme for Bosnia and Herzegovina 2015 - Objective 1

4. Financing

BGUE-B2018-22.020101-C8-NEAR DELBIH

5. Contracting authority

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

Clarifications may be sought from the contracting authority at the following email address: DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@eeas.europa.eu at the latest 21 days before the deadline for submission of tenders stated at the point 19 below.

Clarifications will be published on the following websites:
<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and
http://europa.ba/?page_id=320 at the latest 11 days before the deadline for submission.

CONTRACT SPECIFICATIONS

6. Description of the contract

The purpose of the EU support is to strengthen the fight against organised crime, corruption and other forms of crime by reinforcing the co-operation between law enforcement agencies (LEAs) and the prosecution. BiH as a potential EU candidate should ensure that its LEAs are independent, efficient, accountable and have the capacity to fight corruption and organised crime in line with EU standards and practices.

Over the past years, the EU supported establishment of joint integrated information system that enables exchange of data between different key actors who actively work in the law enforcement sector in BiH. The data exchange system became operational with EU support in 2013. Procurement of the listed IT equipment and technical solutions will upgrade the current complex system(s) to ensure the safety of the transfer system (network level, WAN and LAN), protection from unauthorized use as well as damaging and modifying, safekeeping data.

7. Number and titles of lots

- LOT 1: Computers and peripheral hardware devices
- LOT 2: Server and storage equipment and network equipment
- LOT 3: Server room equipping
- LOT 4: Certificate Authority equipment
- LOT 5: Law enforcement information system for the Police
- LOT 6: Software
- LOT 7: Smart Cards
- LOT 8: Hardware equipment for implementation of digital signing and two factor authentication

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.

All supplies under the following lots **must originate** in one or more of these countries (Member states of the European Union and beneficiary countries of IPA II programme as defined under the Regulation (EU) N°236/2014):

- LOT 1: Computers and peripheral hardware devices
- LOT 2: Server and storage equipment and network equipment
- LOT 3: Server room equipping
- LOT 4: Certificate Authority equipment
- LOT 5: Law enforcement information system for the Police

All supplies under the following lots **may originate** from any country¹:

- LOT 6: Software
- LOT 7: Smart Cards
- LOT 8: Hardware equipment for implementation of digital signing and two factor authentication

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

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.

¹ However, if the price of the lot is above or equal to EUR 100 000, the rules of origin will apply

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 an application for one lot only, several lots or all of the lots, but only one application 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 of: **EUR 8 000 for Lot 1, EUR 13 000 for Lot 2, EUR 7 500 for Lot 3, EUR 5 000 for Lot 5**, 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.

No tender guarantee is required for Lot 4, Lot 6, Lot 7 and Lot 8.

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 paragraph 8.2 of the instructions to tenderers).

15. Period of implementation of tasks

The period of implementation is **three hundred and thirty five calendar days (335)** from the commencement date until the provisional acceptance.

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.
 - a) The average annual turnover of the tenderer for the last 3 years for which the accounts have been closed must exceed the total value of its financial offer for the Lot(s) offered under this tender.
- 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.
 - a) The tenderer has at least three (3) staff permanently working in the field of the Lot(s) offered.
- 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 three years from submission deadline.
 - a) For each of the Lot offered: Over the last 3 years before the submission deadline the tenderer has delivered supplies of a similar nature to the one subject to the Lot offered, under at least one contract with a budget of at least the value of its financial offer for the Lot offered (05.02.2016 – 05.02.2019).

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.

17. Award criteria

Price.

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> and
http://europa.ba/?page_id=320

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 of the European Union to Bosnia and Herzegovina
Procurement Team - Finance, Contracts and Audit Section
Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina
Fax: 00387 33 218 323

E-mail: DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@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 EuropeAid website at: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and http://europa.ba/?page_id=320.

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 slip², 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.

Deadline for submission of tenders is: **5th February 2019 at 17:00 Central European Time**

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:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the

² It is recommended to use registered mail in case the postmark would not be readable.

postmark or the date of the deposit slip, to :

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

- 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 Bosnia and Herzegovina
Procurement Team - Finance, Contracts and Audit Section
Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina
Opening hours: Monday – Thursday: 08:30-17:30 and Friday: 08:30 – 14:00**

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

12th February 2019 at 15:00 Central European Time at the above mentioned address.

21. Language of the procedure

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

22. Legal basis³

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

Not applicable

³ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).