

## **Additional information about the Contract Notice**

### **Supply of Equipment for Development Agency of Serbia (RAS) Location - Serbia**

#### **1. Nature of contract**

unit price

#### **2. Programme title**

Country Action Programme for the Republic of Serbia for the year 2019 - EU Support to Competitiveness, Research & Development and Innovation

#### **3. Financing**

Financing agreement

#### **4. 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 candidates/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 'Legal basis' below). Participation is also open to international organisations.

All supplies under this contract may originate from any country.

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 'Legal basis' 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

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\* and Annex IV of the ACP-EU Partnership Agreement\*\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom \*\*\*\*. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* 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.

\*\*\* Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

\*\*\*\* including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU

## **5. Candidature**

All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person 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.

## **6. Number of applications or tenders**

No more than one application or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.

In case of lots, the candidates or tenderers may submit only one application or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

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 works or supplies required in the tender dossier.

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.

## **7. Tender guarantee**

No tender guarantee is required.

## **8. Performance guarantee**

No performance guarantee required.

## **9. Information meeting and/or site visit**

No information meeting is planned.

## **10. Tender validity**

Tenders must remain valid for a period of 3 months 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.

## **11. Shortlist alliances prohibited**

Not applicable.

## **12. Grounds for exclusion**

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or

subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or 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.

**13. Sub-contracting**

Sub-contracting is allowed.

**14. Number of candidates to be short-listed**

Not applicable.

**15. Provisional date of invitation to tender**

25<sup>th</sup> November 2021

**16. Provisional commencement date of the contract**

February 2022

**17. Period of implementation of tasks**

The implementation period will last 30 days for Lot 1 and 30 days for Lot 2, starting from the day of issuance of Commencement Order and ending on the day of issuance of the certificate of Provisional Acceptance for each lot.

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**SELECTION AND AWARD CRITERIA**

**18. 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 if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The selection criteria for each tenderer are as follows:

**1) Economic and financial capacity** (based, on item 3 of supply tender 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.

- The average annual turnover of the tenderer must exceed the amount of the financial offer for each lot tendered; and
- 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** (based on items 4 and 5 of the application form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.

- At least five (5) permanent staff currently works for the tenderer in fields related to this contract.

**3) Technical capacity** (based on items 5 and 6 of the application form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years from submission deadline.

The candidate has provided supplies under at least 2 contracts, each with a budget of at least 60% of his financial offer for this tender in the fields related to this contract (for Lot 1 and Lot 2: delivery of ICT equipment) which were implemented during the reference period.

This means that the contract the candidate refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate 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.

#### 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. If the economic operator relies on other entities 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 by producing a commitment by 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 a separate document. Proof of the capacity will also have to be provided when requested by the contracting authority.

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 tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the performance of the contract.

#### **19. Award criteria**

Price.

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### **APPLICATION AND TENDERING**

#### **20. How to obtain the tender dossier**

The tender dossier is available from the e-transfer (email) of the contracting authority and following Internet address <https://ras.gov.rs/o-nama/javne-nabavke-ipa-program> .

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:

Development Agency of Serbia,  
12 Kneza Miloša St, 11000 Belgrade,  
The Republic of Serbia

Contact name: Senka Brusin  
E-mail address: senka.brusin@ras.gov.rs

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 'Deadline for submission of applications or tenders'. The contracting authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Possible clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website of Contracting authority, or the contracting authority shall send such information in writing to all the tenderers at the same time.

## **21. Tender opening session**

11<sup>th</sup> January 2022

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that they have been sent on time, the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

## **22. How applications may be submitted**

Applications 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 postmark or the date of the deposit slip, to:

Development Agency of Serbia  
Kneza Miloša 12 St, floor 3, office 301  
11000 Belgrade  
The Republic of Serbia  
Opening hours: 8:30-15:00 CET

- 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:

Development Agency of Serbia  
Kneza Miloša 12 St, floor 3, office 301, 11000 Belgrade  
The Republic of Serbia  
Opening hours: 8:30-15:00 CET

The contract title and publication reference (see contract notice) 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 form.

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

The candidate's attention is drawn to the fact that there are two different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

**The deadline for submission of applications can be found in the Contract Notice under IV.2.2.**

Any application sent to the contracting authority after this deadline will not be considered.

In case the tender is submitted by post or private mail service, the tenderers should inform Contracting Authority that the tender was sent and enclose a copy of the deposit slip by sending an email to address senka.brusin@ras.gov.rs.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list or evaluation report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

### **24. Clarifications on the contract notice**

Clarifications may be sought from the contracting authority at the following email address senka.brusin@ras.gov.rs at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

The contracting authority must reply to all tenderers' questions at the latest 5 days before the deadline for the submission of applications. Possible clarifications or minor changes to the Contract notice shall be published at the latest 5 days before the submission deadline on the website of Contracting authority, or must be sent in writing to all the tenderers at the same time.

### **25. Alteration or withdrawal of applications**

Applicants 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 precedent item. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

### **26. Language of the procedure**

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

### **28. Legal basis<sup>2</sup>**

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 See Annex A2 of the practical guide.

Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on

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<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

<sup>2</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).

1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* 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.

## **29. Additional information**

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of **NOVEMBER 2021**, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

Opening hours of the Contracting Authority: 8:30 -15:00 CET.