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RS-Belgrade: IPA — strengthening the alternative sanctions system

2010/S 242-368666

Location: Europe (non-EU) — Serbia

Service procurement notice

1. **Publication reference:**
EuropeAid/130053/C/SER/RS.
2. **Procedure:**
Restricted.
3. **Programme:**
IPA.
4. **Financing:**
Budget line.
5. **Contracting authority:**
European Union, 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 main objective is to support the Ministry of Justice of the Republic of Serbia in the development and expansion of the Department for Alternative Sanctions (DAS). This will include support activities ranging from policy and legislative development to strengthening operational effectiveness across the country. All advice and support will need to be based on best European practice and standards. Particular help is required to enable the DAS to introduce, manage and operate the electronic monitoring of offenders in the community. This will require a focus at strategic, organisational and operational levels of the department specifically, but with the wider work of key stakeholders in the justice sector, generally. This contract links with a supply contract of electronic monitoring equipment which will allow for the testing and evaluation of electronic monitoring in different applications.
8. **Numbers and titles of lots:**
The contract is divided into lots: No, 1 lot only.
9. **Budget:**
Maximum budget: 2 000 000 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.

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 EU external actions'.

16. **Subcontracting:**

Subcontracting is allowed.

Maximum percentage of the contract value which may be subcontracted: 20 %.

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:**

14.2.2011.

19. **Provisional commencement date of the contract:**

1.6.2011.

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 (a firm or consortium) exceeded 700 000 EUR for the years 2007, 2008 and 2009;
2. the averages of cash and cash equivalents at the beginning and at the end of 2007, 2008 and 2009 were positive.

2) Professional capacity of candidate:

1. at least 7 permanent staff currently work for the applicant in fields related to this contract.

3) Technical capacity of candidate:

1. the candidate has implemented, either as a leader or as a consortium partner, at least 2 projects (with a candidate's proportion that is not less than 500 000 EUR for at least 1 project) relating to reforms in the execution of penal sanctions during the last 3 years before the deadline indicated in Article 23 of this procurement notice. These projects shall have been implemented either in the EU Member States or in IPA and ENPI countries. Ongoing projects will be considered as relevant for this selection criterion;
2. at least 1 of the abovementioned projects (regardless of the amount) must have included assistance with regard to electronic monitoring of offenders.

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:

- the total number of projects fulfilling the requirements set out in criterion 1 (technical capacity),
- in case 2 or more candidates have the same number of eligible projects, the candidates will be ranked in descending order according to the global sum value of the budgets of these eligible projects, taking into consideration only the proportion implemented by the candidate.

22. **Award criteria:**

Best value for money.

Application

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

1.2.2011 (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, 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

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 Union to the Republic of Serbia, Vladimira Popovica street 40, 7th floor (GTC Avenue Building, block 19), 11070New Belgrade, SERBIA,

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

For the attention of: Mr Darko Popovic. E-mail: darko.popovic@ec.europa.eu

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:**

12.5.2010.

29. **Legal basis:**

IPA 2010.

30. **Additional information:**

Candidates with questions regarding this procurement notice should send them in writing to the e-mail address indicated in item 25 above (mentioning the publication reference shown in item 1) at least 15 days before the deadline for submission of tenders given in item 23. The contracting authority must reply to all tenderers' questions at least 10 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier will be published at the latest 10 days before the submission deadline on the following websites: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and <http://www.europa.rs>

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

2.12.2010.