

This notice in TED website: <http://ted.europa.eu/udl?uri=TED:NOTICE:286143-2011:TEXT:EN:HTML>

**RS-Belgrade: IPA — strengthening of the Serbian system of market  
surveillance for non-food and food products (10SER01/19/12)  
2011/S 175-286143**

**Location: Europe (non-EU) — Serbia**

**Service procurement notice**

Common procurement vocabulary (CPV):

Main object:

72225000 System quality assurance assessment and review services

1. **Publication reference:**  
EuropeAid/130332/C/SER/RS.
2. **Procedure:**  
Restricted.
3. **Programme:**  
IPA.
4. **Financing:**  
Financing agreement.
5. **Contracting authority:**  
European Union, represented by the European Commission, on behalf of and for the account of the beneficiary country, Belgrade, SERBIA.
6. **Nature of contract:**  
Fee-based.
7. **Contract description:**  
The overall objective of the project is to contribute to a high level of protection of consumers in Serbia. The market surveillance system in Serbia should be able to effectively and efficiently perform its tasks and responsibilities under the new legislation for product safety and food safety, and to protect against products that pose serious threats to health, safety and the environment.  
The assistance will include support to the following activities:  
(1) the new rules and regulations according to the 'acquis communautaire' for product safety, especially of non-food products including consumer products should be added to the Serbian legal framework for product safety through transposition of EU regulations and directives;  
(2) enhancement of the management and administrative capacities of market surveillance authorities, improvement of joint coordination on implementation of Serbian market surveillance strategy, policies and planning as well as improvement of cooperation with stakeholders; and  
(3) enhancement of the operational capabilities of market surveillance authorities, for enforcement of activities and undertaking of measures in the area of market surveillance in compliance with harmonised legislation as well as improvement of inspection skills and procedures.
8. **Numbers and titles of lots:**  
The contract is divided into lots: No, 1 lot only.
9. **Budget:**

Maximum budget: 2 500 000 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 having a different composition than the ones on the application forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained — see PRAG 2.4.3. 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: 10 %.

Activities which may be subcontracted: specific studies, other activities, etc.

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:**  
3.11.2011.
19. **Provisional commencement date of the contract:**  
16.4.2012.
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 for the years 2008, 2009 and 2010 must be at least 3 000 000 EUR.

2) Professional capacity of candidate:

1. at least 10 permanent staff working for the candidate currently work in fields related to this contract.

3) Technical capacity of candidate:

1. the candidate has completed (i.e. where the final report has been approved) at least 3 projects (the candidate's proportion at or greater than 500 000 EUR for services in each project) in the required areas of expertise described in Article 7 carried out within the 3-year period prior to the closing date of submission of the application.

These 3 projects altogether must cover all of the areas of expertise described in Article 7 under (1), (2) and (3). 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 tenderers rely in majority on the capacities of other entities or when they rely on key criteria. If the candidate 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, 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. 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.

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:

1) highest number of completed, relevant projects found eligible under point 21.3.1;

2) total numerical value of candidate's proportion in all eligible projects under Article 21.3.1.

These factors will be taken into consideration in descending order of preference.

22. **Award criteria:**

Best value for money.

**Application**

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

14.10.2011 (15:00), 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](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 40, GTC Avenue Block 19a, 11070 New 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: Ms Sofija Arandjelovic. Tel. +381 113083243.

Opening hours: 9:30–16:00.

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:**

20.7.2010.

29. **Legal basis:**

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance.

30. **Additional information:**

Candidates with questions regarding this procurement notice must send them in writing to the e-mail address [sofija.arandjelovic@eeas.europa.eu](mailto:sofija.arandjelovic@eeas.europa.eu) (mentioning the publication reference in Article 1) at the latest 15 days before the deadline for receipt of applications. The contracting authority will reply to questions regarding this procurement notice at the latest 10 days before the deadline for receipt of applications. Possible clarifications or changes to the procurement notice will be published at the latest 10 days before the deadline for receipt of applications 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:**

2.9.2011.