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**RS-Belgrade: IPA — strengthening the institutional capacity of the
Commission for Protection of Competition (CPC) in the Republic of Serbia
2011/S 147-243259**

Location: Europe (non-EU) — Serbia

Service procurement notice

Common procurement vocabulary:

Main object:

71356200 Technical assistance services

1. **Publication reference:**
EuropeAid/131427/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 project objective is to increase the ability of the Republic of Serbia to assume obligations provided in the Stabilisation and Association Agreement by supporting competition protection authorities. The project purpose is to strengthen the institutional capacity of the Commission for Protection of Competition for more efficient enforcement of competition policy, with expected economic benefits for consumers and market participants.
The project will focus on enhancing the capacities for proper conduct of investigations, introduction of more sophisticated econometric methods of market analysis, and improvement of the case handlers' skills to undertake complex merger analysis and detect secret cartel agreements. Activities aimed to improve the capacities of other stakeholders such as sector regulators, administrative court, public procurement office will be also part of the project. Additionally, the contract will promote better competition culture among undertakings and the general public.
8. **Numbers and titles of lots:**
The contract is divided into lots: No, 1 lot only.
9. **Budget:**
Maximum budget: 2 800 000 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 %.

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:**

20.9.2011.

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

20.1.2012.

20. Initial period of implementation of tasks:

Duration in months: 30.

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 in the last 3 years (2008, 2009 and 2010) must exceed 2 000 000 EUR.

2) Professional capacity of candidate:

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

3) Technical capacity of candidate:

1. the candidate shall, within the 3-year period prior to the closing date of submission of the application, have completed (i.e. final report approved) at least 2 projects with the candidate's proportion equivalent to, or more than, 700 000 EUR for each of the projects, in the following fields of expertise:

i. assistance in supporting institutional reforms in the field of competition policy in accordance with EU 'acquis';
ii. assistance in capacity building of competition protection authorities.

Altogether the reference projects should cover both areas of expertise.

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:

higher number of projects, which are meeting the requirements as set in criterion 21.3;

higher total numerical value of the proportion carried out by the candidate of the projects identified as relevant as per criterion 21.3 after having applied the first additional criterion mentioned above.

22. Award criteria:

Best value for money.

Application

23. Deadline for receipt of applications:

9.9.2011 (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

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/V, 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: Mr Darko Popovic. Tel. + 381 113083200. E-mail: darko.popovic@eeas.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:**

11.5.2011.

29. **Legal basis:**

Council Regulation (EC) No 1085/2006 of 17.7.2006.

30. **Additional information:**

1) The conclusion of contract under this tender is subject to fulfilment of the following condition:

the entering into effect of the financing agreement between the Government of the Republic of Serbia and the European Commission concerning the national programme for Serbia under the IPA transition assistance and institution building component for 2011.

2) Candidates with questions regarding this procurement notice must send them in writing to the e-mail address indicated in Article 25 (mentioning the publication reference in Article 1) at least 15 days before the deadline for submission of applications. The contracting authority will reply to questions regarding this procurement notice at least 10 days before the deadline for submission of applications. Eventual clarifications or changes to the procurement notice 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>

Please note that the awarding of the contract is subject to the condition of the prior conclusion of a financing agreement, which does not modify the elements of the procurement procedure (this will be the case, for

instance, if the budgetary envelope initially foreseen is different or if the time-frame, the nature or the condition of the implementation are altered).

If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

31. **Date of dispatch of this notice:**
20.7.2011.