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**RS-Belgrade: IPA — Policy and Legal Advice Centre (PLAC)  
2012/S 146-242884**

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

**Service procurement notice**

Common procurement vocabulary (CPV):

Main object:

71621000 Technical analysis or consultancy services

1. **Publication reference:**  
EuropeAid/131430/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 country, Belgrade, SERBIA.
6. **Nature of contract:**  
Fee-based.
7. **Contract description:**  
This contract aims at improving the current system of harmonisation with the EU legislation, at supporting the development of national legislation aligned with the 'acquis', and at enhancing the proper implementation of the legislation, including the necessary by-laws and enforcement mechanisms.  
The contract will provide assistance in:
  - strengthening the structures related to harmonisation and approximation of national legislation with EU legislation, including mechanisms for consultation of relevant external stakeholders,
  - enhancing compatibility of national legislation with EU legislation,
  - strengthening capacities of the relevant institutions (in particular the Serbian European Integration Office, the Secretariat for Legislation and line ministries) for harmonisation and implementation of national legislation with the EU legislation.
8. **Numbers and titles of lots:**  
The contract is divided into lots:  
No, 1 lot only.
9. **Budget:**  
Maximum budget: 3 000 000 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 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: 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:**

5.11.2012.

19. **Provisional commencement date of the contract:**  
8.4.2013.

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 (2009, 2010 and 2011) must exceed 3 000 000 EUR.

2) Professional capacity of candidate:

1. at least 20 staff currently work for the applicant in fields related to this contract.

3) Technical capacity of candidate:

a) the candidate has provided in the past 3 years (starting on 1.1.2009 until the deadline for receipt of the applications) at least 3 projects, with the candidate's proportion in each project of at least 1 500 000 EUR, covering in combination all 3 fields listed in point 7 of the procurement notice.

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: the total number of the reference projects found eligible under 21-3(1); and in case of equality on this criterion, then:

the value of the eligible part (the proportion carried out by the candidate) of the projects found eligible under 21-3(1).

22. **Award criteria:**  
Best value for money.

**Application**

23. **Deadline for receipt of applications:**  
3.9.2012 (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, GTC 19a Avenue Building, Vladimira Popovica 40, 11070 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: Finance and Contracts Section, [delegation-serbia-fcs@eeas.europa.eu](mailto:delegation-serbia-fcs@eeas.europa.eu) Tel. +381 113083200.

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:**

11.5.2012.

29. **Legal basis:**

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA) (OJ L 210, 31.7.2006, p. 82).

30. **Additional information**

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

20.7.2012.