**SERVICE CONTRACT NOTICE**

**Improvement and strengthening of institutional set-up and legal framework in the area of public procurement and state aid**

**Location –Europe (non EU), Montenegro (ME)**

**1. Publication reference**

EuropeAid/138235/IH/SER/ME

**2. Procedure**

Restricted

**3. Programme title**

Instrument for Pre-Accession Assistance (IPA II)

**4. Financing**

Financing Agreement concerning National Programme Montenegro 2014 (objective 1- part 1 and objective 2 – part 1)

**5. Contracting Authority**

The Ministry of Finance, the Directorate for Finance and Contracting of the EU Assistance Funds (CFCU), Stanka Dragojevića 2,81000 Podgorica, Montenegro

**CONTRACT SPECIFICATION**

**6. Nature of contract**

Fee-based.

**7. Contract description**

The overall objective of the project is to increase the efficiency, effectiveness and transparency of public finance management in Montenegro by improving the legal and operational environment of public procurement and state aid system. Activities will focus on further harmonisation of legislation with the EU acquis, on the improvement of the institutional set-up as well as on strengthening capacities of public officials and private operators in the fields of public procurement and state aid. As a result, state aid control system and public procurement rules will be better managed,competitions in the market increased and the fight against corruption reinforced.

The activities will include, amongst others, supportto national authorities for the negotiation of Chapter 8(Competition Policy);analysis of national cases of state aid and of the EC case law; theassessment of the functionality of the existing IT system; the development of manuals and procedures as well as organization of a public awareness campaign.

**8. Number and titles of lots**

One lot only

**9. Maximum budget**

EUR 875.000,00

**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 fundingup to a maximum not exceeding the 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 natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are effectively established in a Member State of the European Union or in an eligible country or territory as defined under the Regulation (EU) N°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 29 below). Participation is also open to international organisations.

**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 one 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 one 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 short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG- 2.4.3.). Short-listed 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 ofthe exclusion situations listedin Section 2.3.3of the PRAG.

**16. Sub-contracting**

Subcontracting is allowed.

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

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidatesmeeting 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**

June 2017.

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

December 2017

**20. Initial period of implementation of tasks**

24 months

**SELECTION AND AWARD CRITERIA**

**21. Selection criteria**

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

Specific fields of expertise related to this contract:

*Set 1:* Harmonization of national legislation, including implementing acts, related laws and regulations with the relevant EU acquis in the field of state aid;drafting of laws and manuals of procedures;

*Set 2:* Harmonization of national legislation, including implementing acts, related laws and regulations with the relevant EU acquis in the field of public procurement; drafting of laws and manuals of procedures;

*Set 3:* Assessment of training needs; design and delivery of trainings in the field of state aid and public procurement.

**1) Economic and financial capacity of candidate** (based on item 3 of the application form). In case of a 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 candidate must exceed 450.000 EUR.
* Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In the case of a consortium, this criterion must be fulfilled by each member.

**2)** **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period that will be taken into account will be the last three years prior to the submission deadline.

* The average annual permanent staff of the candidate working in the fields related to this contract, for the current year and the two previous years, must be at least 6.

**3) Technical capacity of candidate** (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last three years prior to submission deadline.

1. The candidate has provided services under at least **one** contract with a minimum budget of 450,000EUR in the required fields of expertise of **Set 1**. This must have been implemented withinthe**three**year period prior to the closing date of the submission of the application;
2. The candidate has provided services under at least **one** contract with a minimum budget of 300,000EUR in the required fields of expertise of **Set 2.** This must have been implemented within the **three** year period prior to the closing date of the submission of the application;
3. The candidate has provided services under at least **one** contract with a minimum budget of 200,000EURin the required fields of expertise of **Set 3**.This must have been implemented within the **three** year period prior to the closing date of the submission of the application;

For each contract mentioned above, the proportion carried out by the candidate must be at least 30% of the total contract value. This needs to bespecified as experiencein Table 6 of the application form.

**Please bear in mind that one contract may cover one, or more than one. of these fields (Set 1, Set 2, Set 3) of expertise, but all fields have to be covered by such contracts.**

Previous experience that caused a breach of contract and subsequent termination by a Contracting Authority shall not be eligible to be used as a reference.

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 a commitment 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 - notably that of nationality – and must fulfil the same relevant selection criteria as the economic operator.

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 works or services for which these capacities are required.

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

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the 8 best candidates. The only factors which will be taken into consideration during this re-examination are:

1. The highest number of contracts compliant with the requirements of criterion 21.3;
2. The highest cumulative value of services carried out by the Candidate under contracts compliant with the requirements of criterion 21.3;

References will be counted only once if compliant with more than one criterion(21.3.a; 21.3.b; and 21.3.c)

Note: (i) is applied firstly and then (ii) is applied in the case where 2 or more candidates have the same number for (i).

**22. Award criteria**

Best price-quality ratio.

**APPLICATION**

**23. Deadline for receipt of applications**

16: 30 – Podgorica local time on April 28, 2017

Any application received by the Contracting Authority 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 from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

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 in English exclusively to the Contracting Authority in a sealed envelope:

1. EITHER by **recorded delivery** (official postal service) to :

Mrs. Katarina Živković

The Ministry of Finance, the Directorate for Finance and Contracting of the EU Assistance Funds (CFCU)

Stanka Dragojevića 2

81000 Podgorica, Montenegro

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

1. OR **hand delivered** (including courier services) **directly** to the Contracting Authority in return for a **signed and dated receipt** to:

Mrs. Katarina Živković

The Ministry of Finance, the Directorate for Finance and Contracting of the EU Assistance Funds (CFCU)

Stanka Dragojevića 2

81000 Podgorica, Montenegro

Opening hours: 9:00 a.m. – 5:00 p.m.

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

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.**

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.

**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 application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item25. 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 prior information notice**

15/07/2016

**29. Legal basis[[1]](#footnote-1)**

1. Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11th March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II);
2. 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;
3. Commission Implementing Regulation (EU) No 447/2014 of 2nd May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11th March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II).

**30. Additional information**

Any request for further clarification should be sent to the following email address: cfcu@mif.gov.me

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1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-1)