

## SERVICE PROCUREMENT NOTICE

### Implementing Croatian Competition and State Aid Policies Republic of Croatia

**1. Publication reference**

EuropeAid/127338/D/SER/HR

**2. Procedure**

Restricted

**3. Programme**

IPA

**4. Financing**

National Programme for Croatia under the IPA-Transition Assistance and constitution building Component for 2007

**5. Contracting Authority**

Central Finance and Contracting Agency

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## CONTRACT SPECIFICATION

**6. Nature of contract**

Fee-based

**7. Contract description**

The aim of this project is to raise public awareness on anti-trust and state aid law and policies, promote the work of the Croatian Competition Agency via education of student population, local business community and authorities at local level and wider public.

**8. Number and titles of lots**

N/A

**9. Maximum budget**

EUR 1.000.000

**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.

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## **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 30 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 (ie, 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. 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 of the exclusion situations listed in Section 2.3.3 of the Practical Guide to contract procedures for EC external actions

### **16. Sub-contracting**

Sub-contracting is not allowed.

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

On the basis of the applications received, between 4-8 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.

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## **PROVISIONAL TIMETABLE**

### **18. Provisional date of invitation to tender**

May 2009

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

September 2009

### **20. Initial period of implementation of tasks and possible extension of the contract**

24 months with possibility to extend the project in duration and scope. Any extension of the contract would be subject of satisfactory performance by the contractor.

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## **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:

- 1) Economic and financial capacity of candidate (based on item 3 of the application form). In case of applicant being a public body, equivalent information should be provided.

Legal persons:

- a) The annual turnover of the candidate for the years 2007 and 2008 must be equal to or exceed EUR 500.000;
  - b) the cash and cash equivalents of the candidate at the end of the years 2007 and 2008 are positive.
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)

Legal persons:

- a) at least 3 staff permanently work for the candidate in fields related to this contract.

The fields related to this contract are:

1. Antitrust or State Aid (legal or policy development);

and

2. Information dissemination or PR communications.

3) Technical capacity of candidate (based on items 5 and 6 of the application form)

Legal persons:

The candidate has worked successfully on at least one technical assistance project covering the fields of:

1. Antitrust or State Aid (legal or policy development);

and

2. Information dissemination or PR communications.

These two fields can be covered by one single project or each field can be covered by separate projects.

Each of the projects must have been:

a) completed in 2005, 2006, 2007 or 2008

b) implemented in a country eligible under Phare programme<sup>1</sup>

c) with a budget (own contribution) equal to or exceeding EUR 600.000.

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 reexamined to identify the eight best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

1) The total number of projects managed by the candidate according to criterion 3.

2) In case of competition between two or more candidates having the same number of eligible projects, the candidates will be ranked in descending order according to the total amount of their own contribution to the eligible projects.

## 22. Award criteria

Best value for money.

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## APPLICATION

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<sup>1</sup> EU member state, Albania, Bosnia and Hercegovine, Croatia, FYROM, Montenegro, Serbia, Turkey and Kosovo under UNSC Resolution 1244/99.

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

At 16:00 Zagreb local time on 09 March 2009, at the premises of the Central Finance and Contracting Agency, Ulica grada Vukovara 284, building C, 10 000 Zagreb, Croatia.

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 (available from 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)), whose format and instructions must be strictly observed.

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:

- EITHER by recorded delivery (official postal service) to :

Željka Marinac – CFCA project manager  
Central Finance and Contracting Agency  
(Središnja agencija za financiranje i ugovaranje programa i projekata EU)  
Ulica grada Vukovara 284 (building C)  
10 000 Zagreb  
Croatia

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

Željka Marinac – CFCA project manager  
Central Finance and Contracting Agency  
(Središnja agencija za financiranje i ugovaranje programa i projekata EU)  
Ulica grada Vukovara 284 (building C)  
10 000 Zagreb  
Croatia

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 application 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. Additional information**

N/A

**29. Date of publication of contract forecast**

19 July 2008

**30. Legal basis**

EC Council Regulation No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).