

# SERVICE PROCUREMENT NOTICE

## Improvement of Administrative Efficiency on National Level Republic of Croatia

**1. Publication reference**

EuropeAid/128025/D/SER/HR

**2. Procedure**

Restricted

**3. Programme**

IPA

**4. Financing**

IPA 2007 HR 16 I PO 001 Regional Competitiveness Operational Programme 2007-2009 for Community Assistance under the IPA Regional Development Component in Croatia

**5. Contracting Authority**

Central Finance and Contracting Agency

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## CONTRACT SPECIFICATION

**6. Nature of contract**

Fee-based

**7. Contract description**

The purpose of this contract is to provide the Ministry of Economy, Labour and Entrepreneurship (MELE) with the capacity and capability necessary for the continuous assessment of the overall business environment in Croatia, evaluation of needs to create a nurturing environment for SMEs, supporting their growth and stabilising their role as important part of the national economy. In addition this contract should assist in developing appropriate methodological tools and a functioning data collection system, which allows for impact assessment and the ability to tune the measures and incentives provided to benefit SMEs, by MELE and other institutions.

**8. Number and titles of lots**

NA

**9. Maximum budget**

EUR 1.460.000

**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.

Candidates and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- Commission decision (2008/969/EC, Euratom) of 16 December 2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125),
- Commission Regulation (2008/1302/EC, Euratom) of 17 December 2008 on the central

their personal details (name, given name if natural person, address, legal form and name and given name of the person with powers of representation, decision-making or control, if legal person) may be registered in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned decision and regulation, in relation to the award or the execution of a procurement contract or a grant agreement or decision.

## **16. Sub-contracting**

Subcontracting 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**

October 2009

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

February 2010

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

24 months with possibility to 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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## **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<sup>1</sup> must be equal to or exceed 730.000 EUR.
- (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:

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<sup>1</sup> 2007 is considered to be year before last and 2008 is considered to be last year.

- (a) at least 3 staff currently work for the candidate in field(s) related to this contract (SME policy development and SME observatories); and
- (b) at least 20% of all staff working for the candidate this year in field(s) related to this contract (SME policy development and SME observatories) are permanent

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

Legal persons:

The candidate has worked successfully as a sole contractor or leader of a consortium on at least one technical assistance project covering the fields of SME policy development and SME observatories. The required fields can be covered by one single project or several separate projects.

The projects must have been:

- (a) completed in 2006, 2007, 2008 or 2009<sup>2</sup>
- (b) implemented in a country eligible under IPA programme<sup>3</sup>
- (c) with a budget (own contribution) equal to or exceeding 1.400.000 EUR.

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**

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

16:00 Zagreb local time on 24 August 2009

Any application received after this deadline will not be considered.

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<sup>2</sup> All projects referenced for year 2009 must have been completed by the deadline for submission of the applications

<sup>3</sup> EU Member States, Member States of the European Economic Area, Albania, Bosnia and Herzegovina, Croatia, FYROM, Montenegro, Serbia, Turkey and Kosovo under UNSC Resolution 1244/99.

## **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 :  
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:

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**

NA

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

29 January 2009

### **30. Legal basis**

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