**SERVICE CONTRACT NOTICE**

**“Provision of services of monitoring the budget planning and allocation in the Justice institutions”, Albania**

**Project: Building Partnership on Fundamentals: Empowered CSOs in the EU Accession Process IPA III/2022/441-223**

**1. Reference**

Not applicable

**2. Procedure**

Simplified

**3. Programme title**

Civil Society Facility and Media programme 2021

**4. Financing**

IPA III/2022/441-223

**5. Contracting authority**

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**CONTRACT SPECIFICATION**

**6. Nature of contract**

Global price

**7. Contract description**

The purpose of this contract is to hire two Monitoring Experts to: Monitor the budgeting process of justice institutions and courts, in the framework of the project: Building Partnership on Fundamentals: Empowered CSOs in the EU Accession Process IPA III/2022/441-223.

**8. Number and titles of lots**

Two Lots

Lot 1 Monitoring of Justice Institutions:

Lot 2 Monitoring of Courts

**9. Maximum budget**

Lot 1 17.500 EUR

Lot 2 7.500 EUR

**CONDITIONS OF PARTICIPATION**

**10. Legal basis, eligibility and rules of origin**

The legal basis of this procedure is Regulation (EU) No 1529establishing the Instrument for Pre-accession Assistance (IPA III).

For this contract award procedure, participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a  Member State of the European Union or in an eligible country or territory as defined under Article 11 of Regulation (EU) No 1529 establishing the Instrument for Pre-accession Assistance (IPA III). ]

**11. Number of tenders**

No more than one tender 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 a tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

No restrictions may be made in the number of lots a tenderer can be awarded.

The tenderer may submit a tender for one lot only, several lots or all of the lots, but only one tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

**12. Grounds for exclusion**

As part of the tender, tenderers must submit a signed declaration, included in the tender form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide.

Tenderer included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

**13. Sub-contracting**

Subcontracting is not allowed.

**PROVISIONAL TIMETABLE**

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

December 2023

**15. Implementation period of the tasks**

30 months from the start date

**SELECTION AND AWARD CRITERIA**

**16. Selection criteria**

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links it has with them. If the economic operator 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 the performance of the contract by producing a commitment by 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. **Furthermore, the data for this third entity for the relevant selection criterion should be included in a separate document**. Proof of the capacity will also have to be provided when requested by the contracting authority.

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 tasks for which these capacities are required.

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

The following selection criteria will be applied to the tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The tenderer shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

The selection criteria for each tenderer are as follows:

1. **Economic and financial capacity of the tenderer (**based on item 3 of the tender form). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three financial years for which accounts have been closed.

N/A

**2)** **Professional capacity of the tenderer (**based on items 4 of the tender form).

The reference period which will be taken into account will be the last three years preceding the submission deadline.

As per ToR

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

The tenderer should have successfully carried out at least one similar project/assignment

This means that the service contract the tenderer refers to could have been started at any time during the indicated period but it does not necessarily have to be completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to service contracts completed within the reference period (although started earlier) or to service contracts not yet completed. Only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (-statement or certificate from the entity which awarded the contract, proof of payment) also detailing its value. If a tenderer has implemented the service contract in a consortium, the percentage that the tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which would have led to breach of contract and termination by a contracting authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

**17. Award criteria**

Best price-quality ratio.

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**TENDERING**

**18. Deadline for submission of tenders**

The deadline for submission of tenders is specified in point 8 of the instruction to tenderers.

**19. Tender format and details to be provided**

**Tenders must be submitted using the standard tender form** for simplified procedures, the format and instructions of which must be strictly observed. The tender form is available from the following internet address: <https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesB(Ch.3):Servicecontracts>, under the zip file called Simplified Tender dossier.

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

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General>

Any additional documentation (brochure, letter, etc.) sent with a tender will not be taken into consideration.

**20. How tenders may be submitted**

Tenders must be submitted in English exclusively to the contracting authority, using the means specified in point 8 of the instructions to tenderers.

**Tenders submitted by any other means will not be considered.**

By submitting a tender tenderers accept to receive notification of the outcome of the procedure by electronic means.

**21. Alteration or withdrawal of tenders**

Tenderers may alter or withdraw their tenders by written notification prior to the deadline for submission of tenders. No tender may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with point 9 of the instructions to tenderers.

**22. Operational language**

All written communications for this tender procedure and contract must be in English.

**23. Additional information**

Not applicable