

SERVICE CONTRACT NOTICE

Legal Counsel on CEFTA Negotiations and Implementation CPF III 2018-14

1. Procedure

Simplified procedure with publication on the CEFTA website

2. Financing

CEFTA Project Facility

3. Contracting Authority

CEFTA Secretariat

CONTRACT SPECIFICATION

4. Nature of contract

Fee-based

5. Contract description

Aiming to implement CEFTA efficiently and effectively, the Joint Committee adopts various decisions, conclusions and recommendations on a regular basis. Related to these obligatory documents for CEFTA Parties, the CEFTA Joint Committee needs assistance in the legal scrubbing of their drafts and legal advices, when necessary. In addition to this, the CEFTA Parties are negotiating an Additional Protocol on Trade in Services, the final text of which requires to be legally proofread.

CEFTA Parties are also willing to expand and deepen cooperation and trade relations based on the CEFTA. Therefore, it is expected that a procedure of negotiation and adoption of new additional protocols will start, for which legal assistance will be necessary. At this point it is important to mention that the area of Dispute Settlement, insufficiently covered by CEFTA, has been identified as a topic that requires additional legal determination in order to be implemented properly. For this issue, legal consultations on implementation and practices of Dispute Settlement in other international agreements will be required along with the legal scrubbing of text.

The purpose of this contract is to provide legal consultation services for legal proof reading of any text to be adopted/implemented by the CEFTA Parties, in particular related to new additional protocols, and to provide legal consultations and ad hoc advice for the implementation of the CEFTA and adopted CEFTA decisions, conclusions and recommendations.

6. Maximum budget

EUR 100,000

CONDITIONS OF PARTICIPATION

7. 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 a eligible country or territory as defined in Annex a2a of the PRAG Practical Guide, for IPA II instrument available on the following link: <http://ec.europa.eu/europeaid/prag/annexes.do?group=A>

8. 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.

9. 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 Annex VIII to the draft contract.

10. Sub-contracting

Subcontracting is not allowed.

PROVISIONAL TIMETABLE

11. Provisional commencement date of the contract

Quarter 4 /2018

12. Implementation period of the tasks

12 months

SELECTION AND AWARD CRITERIA

13. Selection criteria

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.

- 1) **Economic and financial capacity of the tenderer** (based on item 3 of the tender form).

The reference period which will be taken into account will be the last three years for which accounts have been closed.

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 five years from submission deadline.

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

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.

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.

14. Award criteria

Best price-quality ratio.

TENDERING

15. Deadline for receipt of tenders

The deadline for receipt of tenders is specified in point 8 of the Instruction to Tenderers.

16. Tender format and details to be provided

Tenders must be submitted using the Tender submission form, Part D of the tender dossier, the format and instructions of which must be strictly observed.

The tender must be accompanied by a Declaration on honour on exclusion and selection criteria using the format in Annex VIII to the draft contract.

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

17. 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.

18. 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 8 of the Instructions to Tenderers. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

19. Operational language

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

20. Legal basis

Grant Contract External Actions of the European Union CN 2015/356-738 under IPA II

21. Additional information

Not applicable.