

SUPPLY CONTRACT NOTICE

Supply of meals for refugees, migrants and asylum seekers

Location - Republic of Serbia

1. Publication reference

EuropeAid/ 2019/411 -187/404-75

2. Procedure

Open

3. Programme title

Special Measure as regards Strengthening the Response Capacity of the Republic of Serbia to Manage Effectively Mixed Migration Flows, IPA II, 2019.

4. Financing

This project is financed by the European Union, represented by the Delegation of the European Union to the Republic of Serbia on behalf of and for the account of the government of the Republic of Serbia under the Pre-Accession Assistance, IPA II.

5. Contracting authority

Commissariat for refugees and migration of the Republic of Serbia (SCRM)

CONTRACT SPECIFICATIONS

6. Description of the contract

Within the project “*EU Support to Migration Management in Serbia – Reception and protection services*” that will support food assistance for migrants, asylum seekers and refugees accommodated in the SCRM centers, financed by the EU and implemented by the SCRM, procurer shall provide meals for refugees, migrants and asylum seekers located at reception centers across Serbia. The supply refers to the purchasing raw material, preparation of meals, transport, delivery, unloading, the distribution and serving of meals at 16 reception centers of different sizes and geographically dispersed in locations across Serbia.

7. Number and titles of lots

One lot only

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

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 under the Regulation (EU) No 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 22 below).

Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure.

9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the practical guide.

Tenderers 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.

10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot.

11. Tender guarantee

Tenderers must provide a tender guarantee of **70,000.00 EUR** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of **10%** of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the contracting authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

13. Information meeting and/or site visit

An optional site visit can be organized for the tenderers. Tenderers may visit the reception enters by prior arrangement to gain a further overall view of the nature of the project. Those wishing to take up this option must make an application in writing to the SCRM dedicated person, at least 10 days before the deadline for the submission of applications. Contact details:

Ms Bojana Nedovic, project manager

Commesariat for refugees and migration of the Republic of Serbia

E-mail: bojana.nedovic@kirs.gov.rs

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers).

15. Period of implementation of tasks

The Contract shall enter into force on the date when the second of the two contracting parties sign. The implementation period shall be approximately 15 months, and shall end no later than June 12, 2021. The implementation of tasks shall begin with the commence order issued by the Contracting Authority and under no circumstances before the date on which the Contract enters into force.

SELECTION AND AWARD CRITERIA

16. Selection criteria

The following selection criteria will be applied to tenderers. In the case of tenders 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.

Minimum qualifications required:

- 1) **Economic and financial capacity of tenderer** (based on i.a. item 3 of the tender form for a supply contract). 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.

The selection criteria for each tenderer are as follows:

- 1.1 **The average annual turnover** of the tenderer over the last three years (2018, 2017, 2016) must exceed the value of the tenderer's financial offer.
- 1.2 The tenderer's bank account /s has not been frozen for more than 10 consecutive days in the past 12 months prior to the publication of this Contract notice.

Evidences to be provided for the selection Criteria 1

Note: If the relevant documentation is available electronically, please indicate web address, issuing authority or body, precise reference of the documentation.

- Proof of economic and financial capacity shall be provided by the tenderer (i.e. in case of joint tender, the combined capacity of all members of the consortium and identified subcontractors) providing the **financial statements or their extracts** for a period equal to the last three financial years for which accounts have been closed.
- Statement of the economic operator's overall turnover and, where appropriate, turnover in the business area covered by the contract (contracts, work assignments etc.) for the last 3 financial years available.
- Proof from the bank that the tenderer's account has not been frozen for more than 10 consecutive days during the past 12 months prior to the publication of this Contract notice.

In case the economic operator intends to subcontract any share of the contract to third parties

- Data concerning subcontractors and the percentage to be subcontracted.

Please list the proposed subcontractors and percentage of the contract to be subcontracted.

If, for some exceptional reason which Contracting authority considers justified, the tenderer is unable to provide the above documents, he or she may prove his or her economic and financial capacity by any other means which Contracting authority considers appropriate i.e.

appropriate statements from banks or evidence of professional risk indemnity insurance. Contracting authority reserves the right to request any other document enabling it to verify the tenderer's economic and financial capacity.

- 2) **Professional capacity of tenderer** (based on i.a. items 4 and 5 of the tender form for a supply contract). The reference period which will be taken into account will be the last three years preceding the submission deadline.

Criteria for legal persons:

- 2.1 **has a professional certificate** appropriate to this contract, such as:

HACCP standard certificate and valid license for providing services including food preparation, food transport and catering or proof that HACCP standardization is in the process with clear indication when the license is expected to be obtained.

- 2.2 **at least 40 (forty) employed / engaged staff** currently work for the candidate in fields related to this contract. To guarantee high quality service / supply at all time contractor must have employed / engaged staff, at least **10 (ten) trained chefs (chef and sous-chef)** and **30 other staff** such as **kitchen assistants, drivers** etc.

Evidences to be provided for the selection Criteria 2:

- Copy of the valid HACCP standard certificate.
- A statement of the average annual manpower (employed or engaged staff), for whom the pension insurance is being paid individually or contracts for engaged staff.
- An organisational / human resources chart.
- CVs or brief professional background of key personnel to be involved in the implementation of the contract, including their educational and professional qualifications and years of experience. Also provide the name and CV of the experienced nutritionist in charge of the menu composition and verification.

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

In order to prove their capacity, the tenderer must comply with the following selection criterion:

Criteria for legal and natural persons:

- 3.1 The tenderer has delivered supplies under **at least 2 (two) contract** (where the combined value of those contracts is greater than 50% of the submitted financial offer for this tender), in the field of supply of food, which were implemented at any moment during the reference period.

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period. Tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, final acceptance). In case of projects still on-going only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

3.2 **Candidate has technical equipment, tools or plant** available to the economic operator for performing a supply contract. Candidate must have:

- **at least 5 facilities** for food preparation;
- **at least 7 vehicle for food transportation** fulfilling appropriate standards and
- **specialized containers for food storage** during transportation.

3.3 **Candidate / economic operator has technicians or technical bodies** available, whether or not belonging directly to it, especially those responsible for quality control.

Evidences to be provided for the selection Criteria 3:

- **Documentary evidence for past similar contracts** (criteria 3.1): - summary of the 2 similar contracts, relevant to the supply required under this call for tenders, indicating the dates, value, name and address of the client (public or private), brief description of the supply/services undertaken including name and role of any sub-contractors and/or consortium members. The Contracting Authority may elect to contact any of the aforementioned companies for a reference. Your permission to do so will be assumed unless you state any objections. Previous experience which caused breach of contract and termination by a contracting authority shall not be used as reference.
- **Specification of transport vehicle and storage containers** to be able to provide the safe delivery of food. Provide copy of vehicle licence or copies of concluded contracts which represent the legal bases for the vehicle ownership (lease or lease agreement). (criteria 3.2)
- Proof of necessary kitchen/production facilities that will be available to the Economic operator for performing the contract, e.g. property register, sales contract, lease contract or other appropriate evidence. (criteria 3.2)
- Confirmation that the facility is registered in the relevant register of facilities according to the law e.g. central register of facilities of the Ministry of Agriculture, forestry and water management. (criteria 3.2)

Note that the economic operator will allow checks to be conducted on the production capacities or the technical capacity of the economic operator which are available to it and on the quality control measures.

- Provide details of the technicians or technical bodies the economic operator can call upon, especially those responsible for quality control in relation to this procurement (criteria 3.3).
- Statement that the economic operator can provide the required **certificates** drawn up by official **quality control institutes** or agencies of recognized competence attesting the conformity of products clearly identified by references to the technical specifications or standards, which are set out in the relevant procurement documents.
- Statement, indicating the number of days, that the tenderer has a capacity to start supplying the meals after contract signing and issued commencement order.

Capacity-providing entities

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. If the tenderer relies on other entities it must prove to the contracting authority that it will have at its disposal the resources necessary for performance of the contract 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 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 the tender 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, a tenderer 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 tenderer relies, become jointly and severally liable for the performance of the contract.

17. Award criteria

Price (or, if appropriate after prior approval, the best price-quality ratio which is a combination of quality and price)

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: http://www.kirs.gov.rs/wb-public-procurement.php?tip_tendera=02. The tender dossier is also available from the contracting authority. Tenders must be submitted using the standard tender form for a supply contract included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to

Commissariat for refugees and migration of the Republic of Serbia

Narodnih heroja 4,

11070 Belgrade, Serbia

Fax: +381 (0) 11 312 95 85

bojana.nedovic@kirs.gov.rs

(mentioning the publication reference shown in item 1) at the latest 21 days before the deadline for submission of tenders given in item 19. The contracting authority must reply to all tenderers' questions at the latest 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website of the Contracting Authority at http://www.kirs.gov.rs/wb-public-procurement.php?tip_tendera=02

19. Deadline for submission of tenders

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case it is the acknowledgment of

¹ It is recommended to use registered mail in case the postmark would not be readable.

receipt given at the time of the delivery of the tender which will serve as proof.

By: 25th February 2020, 16:00 hrs CET

At the address:

Commissariat for refugees and migration of the Republic of Serbia

Narodnih heroja 4,

11070 Belgrade, Serbia

Fax: +381 (0) 11 312 95 85

Any tender submitted to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

Att: Ms Bojana Nedovic, project manager

Commissariat for refugees and migration of the Republic of Serbia

Narodnih heroja 4, 11070 Belgrade, Serbia

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Ms Bojana Nedovic, project manager, tel: +381 64 828 31 28

Commissariat for refugees and migration of the Republic of Serbia

Narodnih heroja 4, 11070 Belgrade, Serbia

Working hours: 07:30 a.m. - 15:30 p.m.

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

By submitting a tender 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 tender.

20. Tender opening session

28th February 2020 at 12:00 hours CET, at the premises of the contracting authority.

Commissariat for refugees and migration of the Republic of Serbia

Narodnih heroja 4,

11070 Belgrade, Serbia

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that they have been sent on time, the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

21. Language of the procedure

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

22. Legal basis²

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 and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)

23. Additional information

- Financial data to be provided by the tenderer in the standard tender form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of the month corresponding to the deadline for submitting applications, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.
- Tenders are encouraged to inform the contracting authority of the offer submission date and/or their intention to attend the public opening by sending an email to bojana.nedovic@kirs.gov.rs at least 48 hours before the public opening.

² Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).