

CONTRACT NOTICE

WORKS

SUPPLIES

SERVICES

According to Article 40 of Law No. 04/L-042 on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and law No.05/L-092

Date of the preparation of the Notice: 05.12.2019

Procurement No	239-19-8620-2-1-1
Internal No	239-19-040-211

This notice has been prepared in the LANGUAGES:

Albanian



Serbian



English



SECTION I: CONTRACTING AUTHORITY

I.1) NAME AND ADDRESS OF THE CONTRACTING AUTHORITY (CA)

Official name: AGJENCIA KOSOVARE E PRIVATIZIMIT		
Postal address: Ilir KONUSHEVCI 8		
Town: PRISHTINË	Postal code: -	Country: Kosovo
Contact point(s): Marjan Perlaska, Vjollca Aliu		Telephone: 038 500 400 ext 1107,1053
Email: marjan.perlaska@pak-ks.org vjollca.aliu@pak-ks.org		Fax: 038 248 074
Internet address (if applicable): www.pak-ks.org		

Yes No

The contract covers joint procurement

The contract is awarded by Central Procurement Agency

Yes No

If yes, specify the identities of all Contracting Authorities entitled to Call-off under the terms of the contract or refer to an Annex:

SECTION II: OBJECT OF THE CONTRACT

II.1) DESCRIPTION

II.1.1) Contract title attributed by the contracting authority: Engagement of a legal company expert in the matter of Iming d.o.o. vs PAK (In accordance with UNICITRAL Rules of Arbitration of 2010)		
II.1.2) Type of contract and location of works, place of delivery or of performance <i>(Choose one category only - works, supplies or services - which corresponds to the main part of the specific object of your contract)</i>		
<input type="checkbox"/> Works	<input type="checkbox"/> Supplies	<input checked="" type="checkbox"/> Services
<input type="checkbox"/> Execution <input type="checkbox"/> Design and execution <input type="checkbox"/> Realisation, by whatever means, of work, corresponding to the requirements	<input type="checkbox"/> Purchase <input type="checkbox"/> Lease <input type="checkbox"/> Rental <input type="checkbox"/> Hire purchase <input type="checkbox"/> A combination of these	
Main site or location of works or main place of delivery or main place of performance Privatisation Agency of Kosovo, Legal Department		
II.1.3) The notice involves The establishment of framework agreement <input type="checkbox"/>		
II.1.4) Information on framework agreement (if applicable): Framework agreement with single operator <input type="checkbox"/> Framework agreement with several operators <input type="checkbox"/> Execution of the Contract: Call offs/Place Orders <input type="checkbox"/> Subsidiary Contracts/Mini-competition <input type="checkbox"/>		
Duration of framework agreement: in months		
II.1.5) Short description of the object of the contract Representation and protection of the interests of Privatisation Agency of Kosovo, in the capacity of administrator for and on behalf of NewCo Mim Goleshi, with respect to the request for arbitration submitted by Iming d.o.o. versus PAK in accordance with UNICITRAL rules of arbitration of 1976.		

II.1.6) Common Procurement Vocabulary classification (CPV)
7411200-2

II.1.7) Variants are accepted

Yes No

II.1.8) Division into lots

Yes No

If yes, tenders may be submitted for (tick one box only)

one lot only all lots

II.1.9) Information about lots (if applicable)

Lot no	Lot title	Short description

The maximum number of Lots that may be awarded to one Economic Operator is:

II.1.10) Estimated contract value: 500,000.00

II.2) QUANTITY OR SCOPE OF THE CONTRACT

Total quantity or scope (including all lots and options if applicable)

•To ensure protection of interests of PAK at its best with respect to the request for arbitration IMING d.o.o. vs PAK; •To conduct relevant researches and to fully survey the request for arbitration submitted by IMING d.o.o. along with the entire documentation and relevant supporting information in connection with alleged investment dispute between the parties; •To assess current legal situation between the parties and to prepare a strategy for representation of PAK in the capacity of the respondent in the arbitration proceedings, in regular consultation with PAK; •To cooperate and coordinate the assignment with responsible persons from Privatisation Agency of Kosovo in connection with various technical issues expertise before and during the representation of PAK in arbitration proceedings; •To deliver all submissions, communications and other required documentation, whatsoever, which may serve the interests of PAK in the course of arbitration proceedings within designated deadlines, to participate and represent in all sessions arranged by the Tribunal, to assign witnesses and experts of the matter and to undertake any other procedural or substantive action with purpose to successfully and professionally protect the Privatisation Agency of Kosovo; •To take part along with PAK, on behalf of the latter, in negotiations pertaining to this subject matter; •To keep PAK informed about the procedural actions undertaken, to provide a written report about the actions and procedures undertaken on a monthly basis, or to provide a special report as may be required by PAK or the person assigned to monitor the contract; •To undertake all actions and to provide any other required service to protect PAK interests at its best and in a professional manner with respect to the request for arbitration submitted by Iming d.o.o.

II.3) DURATION OF THE CONTRACT OR TIME LIMITS FOR COMPLETION

Duration in months **36** or days (from the award of the contract)
 or
 Starting
 Completion

SECTION III: LEGAL, ECONOMIC, FINANCIAL AND TECHNICAL INFORMATION

III.1) CONDITIONS RELATING TO THE CONTRACT

III.1.1) Performance security required Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
<i>If yes</i> , amount of performance security EUR or 10% of contract value for the period of 37 months % of contract value.	
III.1.2) Legal form to be taken by grouping of economic operators to whom the contract is to be awarded (if applicable)	
III.1.3) Other particular conditions to which performance of the contract is subject Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>If yes</i> , description of particular conditions	

III.2) CONDITIONS FOR PARTICIPATION

III.2.1) Eligibility Requirements:		<i>Documentary evidence required:</i>
1.Economic operator should fulfil requirements specified in article 65 of the Law on Public Procurement (LPP), Law no. 04 L-42 on Public Procurement of the Republic of Kosovo, amended and supplemented by Law No. 04 L-237, Law No. 05 L-068 and Law No. 05 L-092 PPL can be downloaded at web page Krpp.rks-gov.net		1.A statement under oath which is signed by the bidder while using the method specified in tender dossier.
2.Certificate issued by Tax Administration of the country of establishment of economic operator, proving that economic operator in question is not delinquent in payment of taxes at least until the last trimester before the date of publishing Contract Award Notice (applicable for the contracting company)		2.It shall be proven by TAK certificate
3.Certificate from the Court proving that EO was not found guilty in accordance with article 65 of PPL (applicable for the contracting company)		3.It shall be proven by Court Certificate
III.2.2) Professional Suitability:		<i>Documentary evidence required:</i>
1.Business registration certificate, along with description of primary and secondary activities of the company.		1.Copy of certificate
2.VAT registration Certificate		2.Copy of certificate
3.Fiscal Number Registration Certificate		3.Copy of certificate

III.2.3) Economic and financial capacity		<i>Documentary evidence required:</i>
1. The tenderer must have a total turnover of € 1,000,000.00 € in the last three years from the date of publication of the contract notice		1. It shall be proven by bank statements or financial statements published
2. The Tenderer must provide evidence of the completed contracts of relevant services (representation in arbitration under UNICITRAL rules) realized in the last three (3) years from the date of publication of the contract notice in the amount of not less than 750,000.00 €.		2. It shall be proven with the list of previous contracts specifying the services rendered of this nature, the amount of contracts and the date of the contracts. This list should be attached as evidence (i) When the service is done to a public authority in Kosovo or in a country another, for the proof of this service serves a copy of the relevant certificate (certificate acceptance reference) issued or co-signed by such authority. All these evidence must have the value realized. (ii) When the service is provided to a private operator for proof of this service serves as a copy of any signed document.
III.2.4) Technical and professional capacity		<i>Documentary evidence required:</i>
1. Law firm should have in its representation team at least a member who has passed the exam of Jurisprudence in Kosovo, and a member who practices the profession of the lawyer in England;		1. It shall be proved with the list of professional and educational qualifications and CV-s or contracts
2. Law firm should have at least a member with Law degree (LL.B) awarded by an accredited University in the United Kingdom.		2. It shall be proved with the list of professional and educational qualifications and CVs or contracts
3. One of the team members should possess general knowledge of the process of privatisation liquidation of Socially Owned Enterprises in the Republic of Kosovo;		3. It shall be proved with the list of professional and educational qualifications and CVs or contracts

III.3) CONDITIONS SPECIFIC TO SERVICE CONTRACTS

<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>III.3.1) Execution of services is reserved to a particular profession</p> <p><i>If yes, reference to the relevant law, regulation or administrative provision</i></p>
<p>III.3.2) Legal persons should indicate the names and professional qualifications of the staff responsible for the execution of the service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>

SECTION IV: PROCEDURE

IV.1) TYPE OF PROCEDURE

IV.1.1) Type of Procedure	
<input checked="" type="checkbox"/> Open	
<input type="checkbox"/> Restricted	
<input type="checkbox"/> Competitive Negotiated	
<input type="checkbox"/> Price Quotation	

IV.1.2) Limitations on the number of the operators who will be invited to tender (*restricted or competitive negotiated procedure*)

On the basis of the applications received, at most 6 candidates will be invited to submit detailed tenders for this contract. If more than 6 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates shall be re-examined to identify the six best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

IV.1.3) Reduction of number of the operators during the negotiations (*competitive negotiated procedure*)

Yes No

Conduct the negotiations in successive stages in order to reduce the number of the tenders

The Contracting Authority will award the contract based on the initial

Yes No

tenders without negotiations

IV.1.4) The minimal number of candidates that will be invited to submit the initial tenders is

IV.1.5) Information about electronic auction

Electronic auction will be used: Po Jo

Additional information about electronic auction:

IV.2) AWARD CRITERIA

Lowest price

or

The most economically advantageous tender in terms of

	Sub-criteria	Coefficient
1	Price-Weight 60%	
3	2.The Company should possess experience in representation of states and parties in commercial and investment arbitration. -From 1 to 3 cases 10 points - From 4 to 7 cases 15 points -8 and more 20 points Evidence •To submit evidence of completed arbitration decisions, ongoing arbitration disputes or references in the form of evidence related to legal representation of states or other parties. Weight -20%	
4	3.Experienced and professional staff to represent PAK in an arbitration case (Arbitrator, legal representative or lawyer). -From 3 to 5 years 10 points -From 6 to 10 years 15 points -Over 10 years 20 points Documentary evidence required • To submit CVs, references and other proof to provide evidence of professional experience in similar projects. Weight-20%	

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IV.3) ADMINISTRATIVE INFORMATION

IV.3.1) Previous publications concerning the same contract Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If yes,</i> Prior Indicative Notice: of Other publications (<i>if applicable</i>): of of
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Payable documents <i>If yes,</i> price EUR Terms and method of payment:
IV.3.2) Time limit for receipt of tenders / applications: <i>date</i> 14.01.2020 <i>time</i> 14:00:00 <i>place</i> The tender must be submitted in e-procurement
IV.3.3) Time limits is shortened for submission of tenders / applications: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If yes,</i> provide justification:
IV.3.4) Is tender security needed: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If yes,</i> the value of tender security Validity of tender security in days <i>or</i> months
IV.3.5) Tender validity period: Until: date: days or months
IV.3.6) Tender opening meeting: <i>date</i> 14.01.2020 <i>time</i> 14:00:00 <i>place</i> PAK,Agim Ramadani Str. no.23 <i>office no.</i> 52a Prishtina

SECTION V: COMPLEMENTARY INFORMATION

V.1) COMPLAINTS

Any interested party may file a complaint with the Contracting Authority according to article 108/A of the Law No. No. 04/L-042 on Public Procurement of the Republic of Kosovo, amended and supplemented with the law No. 04/L-237, law No. 05/L-068 and law No.05/L-092, at the address specified in Section I of this Contract notice.
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V.2) ADDITIONAL INFORMATION

Note: Economic operators will be entitled to submit a tender, request to participate and other documents required or permitted to be filed during the conduct of a procurement activity in Albanian, Serbian or English.

Add other information: [such as pre-bid conference, site visit etc]