
SUPPLY PROCUREMENT NOTICE

Enhancement of Mediation as an Alternative to Court-based Dispute Settlement – provision of the equipment

Republic of Croatia

1. Publication reference

2005-0101-0102

2. Procedure

Open

3. Programme

Phare 2005

4. Financing

Croatia 2005 Phare National Programme

5. Contracting authority

The Ministry of Finance of the Republic of Croatia, Central Finance and Contracting Unit

CONTRACT SPECIFICATIONS

6. Description of the contract

Ministry of Justice intend to further develop and promote a system of alternative dispute resolution. This project will be dealing only with mediation as in-court mediation and as out-of-court mediation, and any other related notion (for instance: settlement) must be construed in that sense. Such settlements would lead to a reduction of the backlog in the Croatian courts and enable the courts to become more efficient in the cases where their intervention is necessary. The development of an effective system for in-court and out-of-court mediation, in especially commercial cases, would help increase the number of amicable settlements of commercial disputes. Alternative dispute resolution will also have impact on strengthening principle of “better access to justice and in a reasonable time”. This support is an important issue as expressed within the ongoing overall reform of the judiciary. In order to make that possible, the supply component will provide IT equipment as well as multimedia and communication equipment for the further developing of alternative dispute resolution in Croatian judiciary.

7. Number and titles of lots

Lot 1 – IT equipment

Lot 2 – Multimedia and communication equipment

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation is open to all legal persons participating either individually or in a grouping (consortium) of tenderers 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 item 22 below). All goods supplied under this contract must originate in one or more of these countries. Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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 point 2.3.3 of the *Practical Guide to contracts procedures for EC external actions*.

10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. 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. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.

11. Tender guarantee

N/A

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 best compliant tender.

13. Information meeting and/or site visit

No information meeting is planned

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

15. Period of implementation

The implementation period will last 100 days starting from the day of issuance of the Commencement Order and ending on the day of issuance of the Provisional Acceptance Certificate. The implementation period includes a delivery period of 45 days.

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:

- 1) Economic and financial capacity of tenderer (based on i.a. item 3 of the Tender Form for a Supply Contract)
 - a) The annual turnover of the tenderer for the last year (2006) must exceed the financial proposal of the tender.
 - b) Cash and cash equivalents at the end of the last year and year before last (2006, 2005) are positive
- 2) Technical capacity of tenderer (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract)
 - a) The tenderer has successfully completed at least one contract with a budget of at least that of his financial proposal for this tender in the past three years (2004, 2005 or 2006).

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. Under the same conditions, a consortium of economic operators may rely on the capacities of members of the consortium or of other entities.

17. Award criteria

Price

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: http://ec.europa.eu/europeaid/work/procedures/index_en.htm. 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 cfcu@mfin.hr or mail Ministry of Finance, Department for Financing EU Assistance Programmes and Projects, Central Finance and Contracting Unit – CFCU, Katančičeva 5, 10000 Zagreb, Croatia (Ministarstvo financija, Uprava za financiranje programa i projekata pomoći Europske unije, Središnja jedinica za financiranje i ugovaranje - SJFU Katančičeva 5, 10000 Zagreb, Hrvatska) or by fax: +385 (0)1 4591 075 (mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications to the tender dossier shall be published on the EuropeAid website at http://ec.europa.eu/europeaid/work/procedures/index_en.htm and on the CFCU website: <http://cfcu.mfin.hr>

19. Deadline for submission of tenders

At 10:00 Central European Time on 5 November 2007 at the premises of the Ministry of Finance, Katančičeva 5, 10 000 Zagreb, Croatia

Any tender received after this deadline will not be considered.

20. Tender opening session

At 12:00 Central European Time on 5 November 2007 at the premises of the Ministry of Finance, Katančičeva 5, 10000 Zagreb, Croatia

21. Language of the procedure

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

22. Legal basis

Council Regulation (EEC) no 3906/89 of 18 December 1989, as last amended by Council Regulation (EC) 2257/2004 of 20 December 2004.