

Procurement Notice No. 2 in 2014

Consulting services for CEE Bankwatch Network. The requirement is to conduct an analysis and produce a report on the long-term economic viability – from the “stranded assets” perspective – of constructing new electricity capacities for electricity exports in the Western Balkan countries¹.

The Notice refers to **consultancy services** to be procured from an individual/institution based in an EU country (hereinafter “the consultant”).

A fundamental requirement of the report (30-40 pages-long) is that following the analysis of the key documents related to energy generation planned capacities, country-level projections in the region (to be provided by Bankwatch) and environmental legislation under the Energy Community Treaty. The report should be able to reach **a conclusive opinion as to the Western Balkans electricity generation projects’ exports feasibility** and identify specific areas of the currently proposed projects which may give rise for concern.

The research will be conducted in **two phases**: phase 1 should cover data analysis for **Macedonia, Bosnia-Herzegovina and Montenegro** and phase 2 should cover **Albania, Serbia, Kosovo and the final regional analysis**.

Delivery date for Phase 1 is December 30 2014, 15 February 2015 for **Phase 2**. Completion of the task in a shorter timeframe would be an advantage.

Content of the report:

- . Introduction
- . Country analyses:
 - . Albania
 - . Bosnia-Herzegovina
 - . Kosovo
 - . Macedonia
 - . Montenegro
 - . Serbia
- . Regional analysis
- . Conclusions and recommendations

For each country and for the region, the following will be examined:

- Generation, consumption, exports and imports for the last approx. 10 years
- Government predictions and planned investments in coal and hydropower and their production costs (taking into account units that are expected to be withdrawn from

1 Albania, Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro, Serbia

service as well). This may need to be done using various scenarios due to the difference between plans and on the ground reality.

- The extent to which these scenarios would result in surplus electricity that would be exported.
- Demand analysis of EU countries + Turkey and Ukraine if possible, and the effect that possibly having to export electricity further than directly neighbouring countries in order to find markets will have on the economics of exporting.

The final report should include easily separable country analyses plus a regional analysis. The relevant data should be included either as an annex or should be available for Bankwatch to use as a separate document.

The report and its findings will be quoted publicly and used in the media campaigns of CEE Bankwatch Network. As such the consultant would be required to agree to the report's public distribution and use, including and not restricted to quoting its authors and any aspects of the report's findings.

Submission Requirements:

Responses to the notification (not exceeding 4 pages) are to be submitted in English by email to ioana.ciuta@bankwatch.org and pippa.gallop@bankwatch.org, no later than the closing date.

The response should include details of relevant experience, a detailed table with the research methods and time, proposed schedule, and costs estimates.

In the response to the notification tenderers are required to certify that they do not fall into any situation that is grounds for exclusion from participation in the procurement [1].

The **closing date** for the submission of tenders is close of business **December 5 2014**, Central and Eastern European time.

[1] Grounds for exclusion from participation in a procurement:

Candidates will be excluded from participation in a procurement procedure if:

- they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning these matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations;
- they have been convicted for an offence concerning their professional conduct by a judgement which has the force of res judicata;
- they have been guilty of grave professional misconduct proven by any means justifiable;
- they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country where the contract is to be performed;
- they have been the subject of a judgement which has the force of res judicata for fraud,

corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;

- they are currently subject to an administrative penalty referred to in section 2.3.5 of the Practical Guide to contract procedures for EC external actions:

Without prejudice to the application of penalties laid down in the contract, candidates or tenderers and contractors who have made false declarations, have made substantial errors or committed irregularities and fraud, or have been found in serious breach of their contractual obligations may be excluded from all contracts and grants financed by the Community budget for a maximum of five years from the date on which the infringement is established, as confirmed following an adversarial procedure with the contractor. That period may be extended to 10 years in the event of a repeated offence within five years of the above-mentioned date. Tenderers or candidates who have made false declarations, have committed substantial errors or irregularities and fraud, may also be subject to financial penalties representing 2% to 10% of the total estimated value of the contract being awarded. Contractors who have been found in serious breach of their contractual obligations may be subject to financial penalties representing 2% to 10% of the total value of the contract in question. That rate may be increased to 4% to 20% in the event of a repeat infringement within five years of the above-mentioned. Where the award procedure proves to have been subject to substantial errors, irregularities or fraud, the Commission shall suspend the procedure and may take whatever measures are necessary, including the cancellation of the procedure. Where, after the award of the contract, the award procedure or the performance of the contract prove to have been subject to substantial errors, irregularities or fraud, the Commission may, depending on the stage reached in the procedure, refrain from concluding the contract or suspend performance of the contract or, where appropriate, terminate the contract. Where such errors, irregularities or fraud are attributable to the contractor, the Commission may in addition refuse to make payments, may recover amounts already paid or may terminate all the contracts concluded with this contractor, in proportion to the seriousness of the errors, irregularities or fraud. The purpose of suspending the contract is to verify whether presumed substantial errors and irregularities or fraud have actually occurred. If they are not confirmed, performance of the contract will resume as soon as possible. A substantial error or irregularity is any infringement of a provision of a contract or regulation resulting from an act or an omission which causes or might cause a loss to the Community budget.