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## WORKS CONTRACT NOTICE

### Regulation of the Janja Riverbed in Ugljevik

Ugljevik municipality/Republika Srpska, Bosnia and Herzegovina

**1. Publication reference**

EuropeAid/ 138-629/DD/WKS/BA

**2. Procedure**

Local Open

**3. Programme title**

National Programme for Bosnia and Herzegovina IPA 2014 Special measure

**4. Financing**

BGUE-B2016-22.020102-C8-NEAR DELBIH

**5. Contracting Authority**

European Commission, on behalf of and for the account of Bosnia and Herzegovina

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### CONTRACT SPECIFICATIONS

**6. Description of the contract**

The aim of this project is "Regulation of the Janja Riverbed in Ugljevik", over a length of 3.75 km, and to address the mouths of creeks that flow into the Janja River on its left bank. A significant left tributary of the Janja River is the Laktenica creek, while the mouth of the Pecka creek at Ch. 1+1,797.00 is not covered by this design.

This project will built a stable riverbed of the Janja River, with the flow cross section formed in such a way as to ensure safe carrying of high water at the level occurring once in a hundred years,  $p= 1/100$ , and also to protect this part of the riverbed from further erosion and destabilisation.

**7. Number and titles of lots**

One lot only

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### 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) N°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 23 below) . Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below 100,000 euros per purchased.

## 9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Works Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the **Practical Guide**.

## 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 works required in the tender dossier.

## 11. Tender guarantee

Tenderers must provide a tender guarantee of **70,000.00 euros** 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.

## 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

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. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

## 15. Period of implementation of tasks

12 (twelve) months followed by the 12 (twelve) months of Defects Liability Period.

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## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

#### SELECTION AND AWARD CRITERIA

##### Selection criteria

##### 1. *Economic and Financial capacity:*

- a) The tenderer must be a registered firm or natural person authorised to carry out the specified works. It must be duly authorised to perform the works under this contract in accordance with the relevant law in force in BiH. (i.e. in particular the Official Gazette of Republika Srpska nrs. 40/13 and 70/13).
- b) The total cumulative turnover in construction works of a sole tenderer or a joint venture/consortium as a whole, in the last three (3) years must be at least **6 M EUR** (six million euro);

- c) In the case of joint venture/consortium the Lead Partner's individual total cumulative turnover in construction works in the last three (3) years must be at least **3.0 M EUR** (three million euro); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- d) The sole tenderer or a joint venture/consortium as a whole must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must be at least **1.0 M EUR** (one million euro). In the case of joint venture/consortium at least one of the partners in a joint venture/consortium must have access to at least **0.5 M EUR** (half a million euro) of the credit available.

## **2. Professional capacity:**

### **a) Site Manager**

The Site Manager will manage works on site with a full time input. He/she should have:

- Minimum 2-year post-secondary education in engineering disciplines;
- "Polozen strucni ispit" it means to be a chartered engineer under the legislation applicable in Bosnia and Herzegovina;
- At least five (**5**) years of professional experience in implementation (employed by the construction company and performing as a site manager) or in supervision of construction/reconstruction works;
- Completed at least **one (1) works contract as a site manager (employed by a construction company) related to water flow regulations or flood protection with the value of at least 0.5 M EUR, over the last five (5) years.**

## **3. Technical capacity**

The tenderer shall present its experience in implementation as a prime contractor, of the following:

- a) at **least 2 (two)** works contracts related to water/waste water or flood protection infrastructure or water flow regulation with the cumulative value of the two exceeding **2.0 M EUR (two million euro)**, successfully completed over the **last 8 (eight) years** prior to the tender submission deadline. The referenced contracts must have been completed in the indicated period but do not necessarily have to be started within that period.

The tenderer must present copies of the respective certificate(s) of commissioning, final acceptance certificate endorsed by the Supervisors/Contracting Authority for the projects concerned. The Contracting Authority reserves the right to ask for further information.

**Note:** An economic operator may, where appropriate and for a particular contract, rely on the capacity of other entities, regardless of the legal nature of the links which it has with them. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies mostly on the capacity of other entities or when it relies on key criteria. If the tenderer relies on other entities, it must prove to the Contracting Authority that it will have at its disposal the resources necessary to perform the contract, for example by producing an undertaking on the part of those entities to place 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. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be furnished at the request of the Contracting Authority.

#### **17. Award criteria**

The most economically advantageous tender is the technically compliant tender with the lowest price.

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### **TENDERING**

#### **18. How to obtain the tender dossier**

An electronic version of the tender dossier is available at the following web pages:

[http://europa.ba/?page\\_id=320](http://europa.ba/?page_id=320)

and

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

CD with drawings is available free of charge for collection from the following address: Delegation of the European Union to BiH; Contracts, Finance and Audit Section – Procurement, Skenderija 3a, 71000 Sarajevo, BiH. In case that tenderer is not able to collect CD from the premises of the Delegation of the European Union to Bosnia and Herzegovina, CD with drawings could be sent by the courier to the address of the interested party at its own expense.

Tenderers with questions regarding collection of CD with drawings should send them in writing to the fax no. +387 33 218 323 or

e-mail: DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@eeas.europa.eu

Tenders must be submitted using the standard tender form 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:

Delegation of the European Union to Bosnia and Herzegovina  
Contracts, Finance and Audit Section - Procurement Team  
Skenderija 3a

71000 Sarajevo; Bosnia and Herzegovina

Fax: +387 33 218 323

E-mail: DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@eeas.europa.eu

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 or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline on the EuropeAid website at:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

and on the website at: [http://europa.ba/?page\\_id=320](http://europa.ba/?page_id=320)

**19. Deadline for submission of tenders**

**6<sup>th</sup> March 2017 at 12:00 hrs Central European Time**

at the address:

Delegation of the European Union to Bosnia and Herzegovina  
Contracts, Finance and Audit Section – Procurement team  
Skenderija 3a  
71000 Sarajevo,  
Bosnia and Herzegovina

Any tender received by the Contracting Authority after this deadline will not be considered.

**20. Tender opening session**

**6<sup>th</sup> March 2017 at 15:00 hrs Central European Time**

at the address:

Delegation of the European Union to Bosnia and Herzegovina  
Skenderija 3a  
71000 Sarajevo,  
Bosnia and Herzegovina

**21. Language of the procedure**

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

**22. Repetition of similar works**

N/A

**23. Legal basis**

Regulation (EU) N°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.