
WORKS CONTRACT NOTICE

Reconstruction of the Sava defence embankment in the Brcko District area (BiH); Sections II, III, IV and V

Bosnia and Herzegovina, Brcko District

1. Publication reference

EC/BiH/TEN/16/014; EA /138-628/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

CONTRACT SPECIFICATIONS

6. Description of the contract

The Central Posavina area is protected from high water levels of the Sava River by the embankment constructed between Krepšić and Bosanski Šamac (the length of embankment is approx. 45.6 m). Construction of this embankment necessitated the "divisioning" of the area protected from the high waters of the Sava River. The divisions cover areas from which water cannot be drained by gravitation during maximum water flow.

During the war, the stretch of the Sava embankment from ch. km. 1+500.00 to ch. km. 2+100.00 was the front line dividing the warring parties, and therefore in 2005 a "Detailed study for the rehabilitation of the Sava defence embankment" was developed and reviewed covering this stretch. During 2006, this stretch of the Sava embankment was reconstructed, including the required protective super elevation.

This particular project will cover the following reconstruction works:

Phase II:	section II	ch.	2+878.03 to 3+014.07 and 3+215.19 to 4+646.13
Phase III:	section III	ch.	4+646.13 to 6+138.33
Phase IV:	section IV	ch.	6+138.33 to 7+328.54 and 7+879.95 to 8+129.16
Phase V:	section V	ch.	8+129.16 – 9+660.22.

The Department for Agriculture, Forestry and Water Management of the Brčko District Government has initiated works on the reconstruction of section I (chainage km 0 + 000.00 to ch. km 1+500.00) and a part of section II (ch. km 3+014.07 to ch. 3+215.19), as well as works on the reconstruction of a part of section IV (ch. km 7+328.54 to ch. km 7+879.95) of the Sava protective embankment in Brčko District BiH.

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) 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 amount **40,000.00** 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 months from the commencement date, followed by 12 months of Defects Liability Period.

SELECTION AND AWARD CRITERIA

16. Selection criteria

1. Economic and Financial capacity:

- a) The tenderer must be a registered firm or natural persons capable to carry out the specified works. It must be duly authorized/licensed to perform the works under this contract in accordance with the relevant law in force in BiH (i.e. in particular the Brcko District Rule Books on conditions for provision of technical design, revision, construction and supervision of 26 and 27.04.2011).
- 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 **5 M EUR** (five 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 **1.5 M EUR** (One and half million euro); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- d) The sole tenderer or at least one of the partners in a joint venture/consortium 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 **0.5 M EUR** (half a million euro).

2. Professional capacity:

The tenderer's key personnel must be composed of the following profiles:

Site Manager

The Site Manager will manage works on site with a full time input. He/she is to be with the following qualifications:

- shall have a minimum postsecondary education in engineering disciplines;
- is a chartered engineer under the legislation applicable in Bosnia and Herzegovina ("polozen strucni ispit");
- shall have at least five **(5) years** of relevant professional experience in supervision or implementation of construction/reconstruction works in water/waste water infrastructure sector.
- Shall have completed at least **one (1) construction project as a site manager**, related to **water flow regulations or flood protection 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) The tenderer shall present its experience in implementation, **as a prime contractor**, of at **least 2 (two) projects related to water flow regulations or flood protection**, with the cumulative value exceeding **0.8 M EUR (eight hundred thousand euro)**, over the **last 8 (eight) years** prior to the tender submission deadline. The referenced projects must have been completed in the indicated period but it does 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.

TENDERING

18. How to obtain the tender dossier

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

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
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

http://europa.ba/?page_id=320

19. Deadline for submission of tenders

27th February 2017 at 12:00 Central European Time

Delegation of the European Union to Bosnia and Herzegovina
Procurement team CFA Section
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

27th February 2017 at 15:00 Central European Time

Delegation of the European Union to Bosnia and Herzegovina

Skenderija 3a

71000 Sarajevo, Bosnia and Herzegovina

TBC

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 basis¹

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.

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).