
WORKS CONTRACT NOTICE

"Reconstruction of defence embankment along the Sava River in Srednja and Odzacka Posavina, FBiH, Bosnia and Herzegovina"

Component 1: Reconstruction of the Sava embankment in Srednja Posavina, sections: Kopanice – Vidovice (km 9+650 – km 15+196) and Kopanice – Orašje (km 26+856 – km 29+370)

Component 2: Reconstruction of the defence embankment along the Sava River in the area of Odžacka Posavina sections: Svilaj – Potočani (km 0+000 – km 1+600) and Svilaj – Kadar (km 22+272 – km 27+117).

1. Publication reference

EuropeAid/139140/DD/WKS/BA; EC/BiH/TEN/16/012

2. Procedure

Local Open

3. Programme title

National Programme for Bosnia and Herzegovina IPA 2014 Special Measure

4. Financing

BGUE-B2017-22.020102-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

This particular project will cover reconstruction works on Sava River defence embankment in Srednja Posavina (Component 1) and Odzacka Posavina (Component 2), in FBiH, Bosnia and Herzegovina.

The main works will consists of preparatory works, such as removal of shrubs and trees, as well as removal and reallocation of existing installations, earth works that will include removal and depositing of topsoil, excavations of all soil materials, treatment of subsoil, making of drainage filter and clay plug, construction of embankment etc.

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 **85,000.00 Euro** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer 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

The Period of implementation of the task will be 12 (twelve) calendar months from the

Commencement Date issued by the Supervisor, until issuance of the Provisional Acceptance Certificate for the works, to be followed by the Defect Liability Period (DLP) of 365 days.

SELECTION AND AWARD CRITERIA

16. Selection criteria

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. This must be provided by tenderers using the forms described in section 12.1 of the Instruction to Tenderers and any additional forms tenderers may wish to use.

If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

1. Economic and Financial capacity:

- a) The average annual turnover in construction works of the tenderer for the last three (3) years for which the accounts are closed must exceed 8,000,000.00 EUR (eight million euro);
- b) Tenderer 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 1,000,000.00 EUR (one million euro).

2. Professional capacity:

- a) The tenderer must be a registered firm or natural persons capable to carry out the specified works.
- b) The Tenderer 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 FBiH Regulation on a construction site, required documentation at sites and participants in construction - "Official Gazette of BiH", Nr. 48/09 and 75/09). The relevant licence must be submitted together with the offer.
- c) The tenderer's key personnel must be composed of the following profiles (two Site Managers):

1. Site Manager - Component 1

2. Site Manager - Component 2

The Site Managers will manage works on site with a full time input. Each Site Manager has to be with the following qualifications:

- University degree in Civil Engineering;
- "Polozen strucni ispit", it means to be a chartered engineer under the legislation applicable in Bosnia and Herzegovina;

- Shall have completed at least 2 (two) works contracts as a site manager (employed by a construction company) related to river regulations or flood protections or construction/reconstruction of water/waste water infrastructure over the last 5 (five) years counting from the submission deadline (24.09.2012-24.09.2017).

Note:

- ✓ *Documents proving information presented in the Site Manager's CV(s) must be submitted together with the offer. Only diplomas and experience periods with documented proofs will be taken into account;*
- ✓ *The referenced projects under 16.2 (c) must have been completed in the indicated period but it does not necessarily have to be started within that period;*
- ✓ *Works contracts in the field of irrigation and transport will not be taken into consideration;*
- ✓ *Proposing of one Site Manager (or the same site manager for both Components) will lead to the rejection of the offer.*

3. Technical capacity

- a) The tenderer shall present its experience in implementation, as a prime contractor, of at least 3 (three) projects related to river regulations or flood protections or construction/reconstruction related to water/waste water infrastructure, with the cumulative value of these three exceeding 3,500,000.00 EUR (three and half million euro), and implemented during the 8 (eight) years from the submission deadline (24.09.2009 – 24.09.2017);
- b) 1 (one) of the above 3 (three) projects (in item a) above) must relate to river regulations and/or flood protection and must exceed the value of 750,000.00 EUR (seven hundred and fifty thousand euro).

Note:

- ✓ *The referenced projects in 16.3 above must have been completed in the indicated period but they do not necessarily have to be started within that period.*
- ✓ *The tenderer must present copies of respective certificate(s) of commissioning, provisional or final acceptance endorsed by the Supervisors/Contracting Authority for the referenced projects concerned. The Contracting Authority reserves the right to ask for further information.*
- ✓ *Previous experience in implementation of projects related to irrigation and transport will not be taken into consideration.*

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 Bosnia and Herzegovina; Finance, Contracts, and Audit Section – Procurement Team, Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina. 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

Finance, Contracts 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 http://europa.ba/?page_id=320.

19. Deadline for submission of tenders

25th September 2017 at 12:00 Central European Time

Delegation of the European Union to Bosnia and Herzegovina
Finance, Contracts 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

25th September 2017 at 15:00 Central European Time

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 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 and Regulation (EU) N°231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

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