
WORKS CONTRACT NOTICE

"Construction/reconstruction of Municipal, Cantonal Court and Prosecutors Office in Tuzla and Construction/reconstruction of existing building of Municipal Court in Ljubuški"

Federation of Bosnia and Herzegovina, Bosnia and Herzegovina

1. Publication reference/Tender number

EuropeAid/139-141/DD/WKS/BA; EC/BiH/TEN/17/003

2. Procedure

Local open

3. Programme title

IPA/2015/037-888 Country Action Programme for Bosnia and Herzegovina 2015 – Objective 1

4. Financing

BGUE-B2017-22.020101-C8-NEARDELBIH

5. Contracting Authority

The European Union, represented by the European Commission on behalf of and for the account of Bosnia and Herzegovina

CONTRACT SPECIFICATIONS

6. Description of the contract

Lot 1: Construction/reconstruction of Municipal, Cantonal Court and Prosecutors Office in Tuzla

The purpose of Lot 1 is to:

- Reconstruct current building of Tuzla Municipal Court, Tuzla Cantonal Court, and Tuzla Cantonal Prosecution that is located in the center of the City of Tuzla. The building was constructed in 1962 as the Tuzla District Court. The total net area/surface of the building is approx. 4.600 m², while the size of the part of the building which is still used by the Municipal Court (first, second and the fifth floor) is 1.850 m².
- Construct the new building of the Tuzla Municipal Court that was designed at the site of the Dom Armije (Army House) in Tuzla. The total net area/surface of the building is approx. 5.500 m².

Lot 2: Construction/reconstruction of existing building of Municipal Court in Ljubuški

The purpose of Lot 2 is to:

- Reconstruct Courthouse in Ljubuski that is located at the corner of the Zrinskofrankopanska and Juraj Dalmatinac streets. The building of the Municipal Court in Ljubuški was built in

1963. The building has approx. 1130m2 of gross floor area.

The technical design documentation and building permits is provided to the EU Delegation by the relevant authorities in BiH and are available with the EU Delegation.

It is important to stress that the works will be performed during ordinary and every-day functioning of mentioned institutions, so collaboration with the beneficiary representatives is essential.

7. Number and titles of lots

Lot 1: Construction/reconstruction of Municipal, Cantonal Court and Prosecutors Office in Tuzla

Lot 2: Construction/reconstruction of existing building of Municipal Court in Ljubuški

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 of 70, 000.00 EUR for Lot 1; and 7, 000.00 EUR for Lot 2 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

Lot 1:

An **optional** site visit will be held on **07 September 2017 at 10:00 hrs am** at the following address:

Cantonal Prosecutor's Office of Tuzla Canton
Marsala Tita 137, 75000 Tuzla, Bosnia and Herzegovina

Lot 2:

An **optional** site visit will be held on **05 September 2017 at 12:00 hrs pm** at the following address:

Municipal Court in Ljubuski
Zrinskofrankopanska 69, Ljubuški 88320, Bosnia and Herzegovina

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

Lot 1: 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.

Lot 2: 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.

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

The selection criteria for tenderers to Lot 1 are as follows:

1. Economic and Financial capacity criteria:

a) 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 for which the accounts have been closed must be at least **8 M EUR** (eight million euro);

b) In the case of joint venture/consortium the Lead Partner's individual total cumulative turnover in construction works in the last three (3) years for which the accounts have been closed must be at least **4 M EUR** (four million euro);

c) 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 exceed the equivalent of EUR 1 million.

2. Technical and professional capacity criteria:

a) The tenderer must be a registered firm or natural persons capable to carry out the specified works. It must be duly authorized to perform the works under this contract in accordance with the applicable law;

b) The tenderer shall present its experience in implementation, **as a prime contractor**, of at least **2 (two) projects related to construction/reconstruction of the buildings**, with a cumulative value of **these 2 (two) projects** of at least 2 000 000 EUR (**two million euro**), over the **last 8 (eight) years** prior to the tender submission deadline (01.10.2009-01.10.2017).

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, provisional /final acceptance certificate signed by the Supervisors/Contracting Authority for the projects concerned. The Contracting Authority reserves the right to ask for further information.

c) 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 of the buildings;
- Shall have experience as a site manager on at least **one (1) completed project** related to **construction/reconstruction of the buildings**.

Lot 2: Construction/reconstruction of existing building of Municipal Court in Ljubuški

The selection criteria for tenderers to Lot 2 are as follows:

1. Economic and Financial capacity criteria:

a) 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 for which the accounts have been closed prior to must be at least EUR **850,000** (eight hundred and fifty thousand euro);

b) In the case of joint venture/consortium the Lead Partner's individual total cumulative turnover in construction works in the last three (3) years for which the accounts have been closed must be at least EUR **400,000** (four hundred thousand euro);

c) 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 exceed the equivalent of EUR **150,000**.

2. Technical and professional capacity criteria:

a) The tenderer must be a registered firm or natural persons capable to carry out the specified works. It must be duly authorized to perform the works under this contract in accordance with the applicable law;

b) The tenderer shall present its experience in implementation, **as a prime contractor**, of at least **2 (two)** projects related to **construction/reconstruction of the buildings**, with a cumulative value of these 2 (two) projects of at least 400 000 EUR (**four hundred thousand euro**), over the **last 8 (eight) years** prior to the tender submission deadline (01.10.2009-01.10.2017).

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, provisional/final acceptance certificate signed by the Supervisors/Contracting Authority for the projects concerned. The Contracting Authority reserves the right to ask for further information.

c) 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 of the buildings;
- Shall have experience as a site manager on at least **one (1) completed project** related to **construction/reconstruction of the buildings**.

In case a tenderer applies to both Lot 1 and Lot 2, the tenderer must comply with the following selection criteria:

- Economic and financial capacity criteria: as specified for Lot 1.
- Technical capacity criteria: as specified for Lot 1.
- Professional capacity criteria:

The tenderer applying for both lots, must offer 2 key personnel (Site Manager), both satisfying the criteria as specified above for Lot 1 and Lot 2.

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 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 pages:

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

and

<https://webgate.ec.europa.eu/europeaid/onlineservices/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, upon written request.

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.

19. Deadline for submission of tenders

02 October 2017, 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

02 October 2017, 14:00 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 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).