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## WORKS CONTRACT NOTICE

**The construction of the Courthouse in Trebinje, the reconstruction of the Basic Court in Foča and the reconstruction of the District Prosecutor's Office in East Sarajevo**

**Bosnia and Herzegovina**

EC/BiH/TEN/17/004

**1. Publication reference**

EuropeAid/139-172/DD/WKS/BA

**2. Procedure**

Open

**3. Programme title**

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.

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## CONTRACT SPECIFICATIONS

**6. Description of the contract**

The purpose of these Works Contract(s) is to construct one and to reconstruct two buildings at 3 different locations in BiH.

**Lot 1: Construction of Courthouse in Trebinje**

The purpose of this contract is to construct the new courthouse in the urban environment of Trebinje that will accommodate 3 judicial institutions. More precisely, the future building site is surrounded with residential and administrative buildings, located in the area of Zasad Polje. This five floors building (B+GF+3), is functionally divided into 3 parts: Basic Court, District Court and District Prosecutor's Office premises. Total gross area of the building is 2 815 m<sup>2</sup>. Completed building will have access for citizens from one side and controlled access through interior courtyard with parking from the other.

## **Lot 2: Reconstruction of Basic Court in Foča and District Prosecutor's Office in East Sarajevo**

- Reconstruct the 2 floor building of the Basic Court in Foča built in 1909 and designed by the famous architect Karlo Paržik. The building is therefore listed as National Monument of Bosnia and Herzegovina and its reconstruction requires special knowledge and attention. The building is located in the urban area with total gross floor area of (GF+1) 788 m<sup>2</sup>.
- Reconstruct the existing premises of the District Prosecutor's Office (PO) in East Sarajevo and construct additional top floor in order to enlarge the space and improve working conditions. The building is located in Lukavica and was built in 1960. It was initially designed as military arrest but for the last ten years is used as an administrative building and is hosting 3 judicial institutions (District PO, District and Commercial Court). It has direct access to the main road and possess its own parking space. This 2 floors building (GF+1) has a gross surface of 1 026 m<sup>2</sup>. The total surface area of the additional second floor is 536 m<sup>2</sup>. The building is designed as a massive structural system with wooden ceiling. Planned upgrade is designed as reinforced skeletal system.

### **7. Number and titles of lots**

LOT 1: Construction of the Courthouse in Trebinje

LOT 2: Reconstruction of the Basic Court in Foča and Reconstruction of the District Prosecutor's Office in East Sarajevo

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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 22 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 15 000 EUR for Lot 1 and 9 000 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**

Optional information site visits will be held as follows:

- 6<sup>th</sup> September 2017 at 10:00; (Lot 2, Reconstruction of the District Prosecutor Office in East Sarajevo), meeting place Karađorđeva 5, 71 123 Istočno Sarajevo
- 6<sup>th</sup> September 2017 at 15:00; (Lot 2, Reconstruction of the Basic Court in Foča), meeting place Njegoševa 17, 73 300 Foča
- 7<sup>th</sup> September 2017 at 11:00; (Lot 1, Construction of the Courthouse in Trebinje) meeting place Sokolska 1, 89 101 Trebinje

#### **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**.

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### **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 12.1 of the Instructions 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.

**(A) The selection criteria for tenderers to Lot 1 are as follows:**

*1) Economic and financial capacity of candidate:*

- a) The total cumulative turnover in construction works in the last 3 (three) years must be at least 3 000 000 EUR (three million euro).
- b) In the case of joint venture/consortium the Lead Partner's individual total cumulative turnover in construction works in the last 3 (three) years must be at least 1 500 000 EUR (One and half million euro); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- 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 be at least 500 000 EUR (half a million euro).

*2) Professional capacity of candidate:*

- 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 relevant entity laws in RS). The relevant licence must be submitted together with the offer.

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

Project Manager will coordinate the entire contract. He/she is to be with the following qualifications:

- shall have a University Degree in engineering discipline;
- shall have at least five (5) years of experience in construction sector;
- shall have a good command of English language.

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

- shall have a University Degree in civil engineering or architecture;
- is a chartered engineer under the legislation applicable in Bosnia and Herzegovina ("polozen strucni ispit");
- shall have at least five (5) years of professional experience in supervision or implementation of construction/reconstruction works of buildings;
- shall have completed at least one (1) construction/reconstruction project as a site manager, of similar size and nature as the works concerned by the tender for Lot 1;
- shall have at least moderate command of English language.

*3) Technical capacity of candidate:*

The tenderer shall present its experience in implementation, as a prime contractor, of at least 1 (one) completed construction project, of similar complexity and nature as the works concerned by the tender for Lot 1 over the last 8 (eight) years prior to the tender submission deadline.

**(B) The selection criteria for tenderers to Lot 2 are as follows:**

*1) Economic and financial capacity of candidate:*

- 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 must be at least 1 M EUR (one 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 must be at least 0.5 M EUR (half million euro); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.);
- 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 be at least 0.2 M EUR (two hundred thousand euro).

*2) Professional capacity of candidates:*

- 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 relevant entity laws in RS). The relevant licence must be submitted together with the offer.
- b) The tenderer's key personnel must be composed of the following profiles:

Project Manager, who will coordinate the entire contracts to be with the following qualifications:

- shall have a University Degree in engineering discipline;
- shall have at least five (5) years of experience in construction sector;
- shall have experience as project manager in reconstruction of at least one historic building;
- shall have good command of English language.

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

- shall have a University Degree in civil engineering or architecture;
- is a chartered engineer under the legislation applicable in Bosnia and Herzegovina ("polozen strucni ispit");
- shall have at least five (5) years of professional experience in supervision or implementation of construction/reconstruction works of buildings;
- Shall have completed as a site manager at least one (1) construction/reconstruction project of similar size and nature as the works concerned by the tender for Lot 2;
- Shall have at least moderate command of English language.

*3) Technical capacity of candidate:*

The tenderer shall present its experience in implementation, as a prime contractor, of at least 1 (one) completed construction project, of similar complexity and nature as the works concerned by the tender for Lot 2, and 1 (one) completed reconstruction project of historic building over the last 8 (eight) years prior to the tender submission deadline.

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

*1) Economic and financial capacity of candidate:*

- a) The total cumulative turnover in construction works in the last three (3) years must be at least 3.5 M EUR (three and a half 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 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.).
- 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 be at least 0.7 M EUR (seven hundred thousand euro).

*2) Professional capacity of candidates:*

- 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 relevant entity laws in RS). The relevant licence must be submitted together with the offer.
- b) The tenderer's key personnel must be composed of 1 (one) Project Manager and 2 (two) Site Managers with the following profiles:
  - 1 (one) Project Manager: The profile is the same as requested for Lot 1 above.
  - 1 (one) Site Manager: The profile is the same as requested for Lot 1 above.
  - 1 (one) Site Manager: The profile is the same as requested for Lot 2 above.

Note: The tenderer has to propose 2 persons for the position of 2 Site Managers.

*3) Technical capacity of candidate:*

- a) The tenderer shall present its experience in implementation, as a prime contractor, of at least 1 (one) completed construction project, of similar complexity and nature as the works concerned by the tender for Lot 1 over the last 8 (eight) years prior to the tender submission deadline.
- b) The tenderer shall present its experience in implementation, as a prime contractor, of at least 1 (one) completed reconstruction project of historic building over the last 8 (eight) years prior to the tender submission deadline.

Note:

- The referenced projects in 16(A)3, 16(B)3 and 16(C)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.

**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**

The tender dossier is available from the following web page: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1501057176099&do=publi.welcome&userlanguage=en> and [http://europa.ba/?page\\_id=320](http://europa.ba/?page_id=320). Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

The 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. If the tenderer is not able to collect the CD from a premises of the Delegation of the European Union to Bosnia and Herzegovina, it could be sent by courier to the address of the interested party at its own expense.

Tenderers with questions regarding this tender should send them in writing to [DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@eeas.europa.eu](mailto: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?ADSSChck=1501057176099&do=publi.welcome&userlanguage=en> and [http://europa.ba/?page\\_id=320](http://europa.ba/?page_id=320).

**19. Deadline for submission of tenders**

**09 October 2017 at 12:00** Central European Time

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

**20. Tender opening session**

**09 October 2017 at 15:00** Central European Time

**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 and IPA II - See Annex A2 of the Practical Guide.