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## WORKS CONTRACT NOTICE

### Regulation of Brka River in the urban area of Brčko District of BiH – Phase I

#### Brcko District/Bosnia and Herzegovina

**1. Publication reference**

EuropeAid/139-512/DD/WKS/BA

**2. Procedure**

Local Open

**3. Programme title**

Regional Programme for Bosnia and Herzegovina IPA 2014 Special Measure

**4. Financing**

BGUE-B2018-22.020102-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 Brka River is formed by three approximately parallel rivers of equal length:

- Rašljanska River, 28.9 km long
- Maočka River, 25.0 km long, and
- Rahička River, 24.8 km long

All three rivers flow from south to north, after which the Brka River runs from the village of Maoča to Brčko in a meandrical riverbed in the northeast direction, receiving its large tributaries Lukavac (a tributary of the Tinja River, whose upstream part of the basin has been rerouted into the Brka River) and Zovičica.

This particular project will cover regulation of Brka River in the urban area of Brčko District. The main works will consists of preparatory works, such as removal of shrubs and trees, earth works that will include excavations of all soil materials, treatment of subsoil, construction of embankment etc.

**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.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries<sup>1</sup> will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom<sup>1</sup> depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure.

<sup>1</sup>However, they may originate from any country when the amount of the supplies to be purchased is below 100 000 euros.

### 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 tender guaranties of 30 000 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[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

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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 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 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 **5 000 000 EUR** (five 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 **1 000 000 EUR** (one 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 million euro).

## 2. Professional capacity:

- a) The tenderer must be a registered firm or natural persons capable to carry out the specified works.
- b) 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). The relevant license must be submitted together with the offer.

- c) Project Manager/Contractor's Representative

The Project Manager/Contractor's Representative will be responsible for overall works contract management. He/she has to have the following qualifications and experience:

- University degree in Engineering disciplines;
- Shall have experience in management of at least 2 (two) construction contracts of a similar complexity over the last 8 (eight) years from the submission deadline. The cumulative value of the above two contracts should exceed 2 000 000 EUR (two million Euro).

Note:

- ✓ *Documents proving information presented in the Project Manager/Contractor's Representative's CV must be submitted together with the offer. Only diplomas and experience with documented proof will be taken into account.*
- ✓ *The referenced projects must have been completed in the indicated period but it does not necessarily have to be started within that period.*

## 3. Technical capacity

- a) The tenderer shall present its experience in implementation, as a prime contractor, of at least 3 (three) projects of a similar complexity and nature comparable to the works subject to this tender, with the cumulative value of these three projects exceeding 2 500 000 EUR (two and half million euro), completed over the last 8 (eight) years from the submission deadline. The following is considered as similar nature:
  - Works related to river regulations or floods protection;
  - Construction of the embankment(s) along the watercourses,
  - Construction of hydro-technical facilities (e.g. dams, embankment, etc.),
  - Construction of sewerage networks and water distribution networks.

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.*

**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 page:

[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 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](mailto: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](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?do=publi.welcome> and [http://europa.ba/?page\\_id=320](http://europa.ba/?page_id=320).

**19. Deadline for submission of tenders**

**27/04/2018 at 10:00 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**

**27/04/2018 at 12:00 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 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 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).