
WORKS CONTRACT NOTICE

Regulation of the Janja riverbed in Janja, including protection of the mountain and inland water of Novo naselje Janja, Bijeljina, Republika Srpska, Bosnia and Herzegovina

1. Publication reference

EuropeAid/ 139-675 /DD/WKS/BA; EC/BiH/TEN/18/004

2. Procedure

Local Open

3. Programme title

National 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

CONTRACT SPECIFICATIONS

6. Description of the contract

This particular project will cover regulation of the Janja River on Section 4 of its riverbed, from the exit from the Janja settlement and upstream to the mouth of the Janjica creek to the Janja River with the total length of 3,941 m. This part of future regulation works is planned to include straightening and hydraulic treatment of the route of the regulated riverbed including cutting across four meanders, which are critical points on the route of Section 4 regulation when large water waves arrive. In addition, the project will also include protection of the mountain and inland water of Novo naselje Janja.

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, concrete works, 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.

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 countries¹ will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom¹ 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.

¹However, 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 **40 000 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

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 the tenderer for the last three (3) years for which the accounts are closed must exceed 8 000 000 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 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) 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 Official Gazette of Republika Srpska nrs. 40/13 and 70/13). The relevant licence must be submitted together with the offer.
- c) The tenderer's key personnel must be composed of the following profiles (a Project Manager/Contractor's Representative):

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 (09 July 2010 – 09 July 2018). The cumulative value of the above two contracts should exceed 3 000 000 EUR (three 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 contracts must have been completed in the indicated period but they do 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 3 500 000 EUR (three and half million euro), completed over the last 8 (eight) years from the submission deadline (09 July 2010 – 09 July 2018). The following is considered as similar nature:
 - Construction works for river regulation or floods protection;
 - Construction of embankments along watercourses;
 - Construction of hydro-technical facilities such as dams or underground water reservoirs;
 - 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 of commissioning, provisional or final acceptance endorsed by the Supervisor/Contracting Authority for the referenced projects. 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.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies become jointly and severally liable for the performance of the contract.

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

09 July 2018 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

09 July 2018 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).