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## WORKS CONTRACT NOTICE

### Rehabilitation and construction of flood protection infrastructures in Bosnia and Herzegovina: Protecting the areas from high level waters of Drina river

#### Bosnia and Herzegovina

Tender no.: EC/BiH/TEN/18/017

**1. Publication reference**

EuropeAid/139 743/DD/WKS/BA

**2. Procedure**

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**

Rehabilitation and construction of flood protection infrastructures as follows:

Component 1: Flood protection of part of the settlement "Ekonomija", Zvornik, from rivers Drina and Sapna and floods from hinterland;

Component 2: Tabanci;

Component 3: Regulation of River Kravica (Bratunac Municipality) with river tributaries Brnjanska and Zonića.

The above listed 3 components of the project will be subject to a single works contract. As such the works under these 3 components are foreseen to be implemented simultaneously.

**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 a tender guarantee of **EUR 60 000** 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(s) at the signing of the contract(s). This guarantee(s) 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

*Note: The particular project consists of 3 components as presented in point 6 and will be subject to a single works contract. As such the activities subject to the particular contract under the 3 components are foreseen to be implemented simultaneously.*

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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.

The selection criteria for each tenderer are as follows:

**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 **EUR 6 000 000** (six 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 **EUR 2 000 000** (two 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 **EUR 1 000 000** (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, with special reference to the Official Gazette of Republika Srpska nrs. 40/13 and 70/13. **The relevant licence must at the latest be obtained by the date of submission of the offer and be submitted together with the offer.**
- c) The tenderer's key personnel must be composed of the following profiles:

### Project Manager/Contractor's Representative

The Project Manager/Contractor's Representative will be responsible for overall works contract coordination and management and must have the following qualification and experience:

- University degree in Engineering disciplines;
- Experience in management of at least 2 (two) construction projects of a similar complexity as the one subject to this tender, over the last 8 (eight) years from the submission deadline.

### 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 for the proposed Project Manager/Contractor's Representative 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 must have had experience in implementation, as a prime contractor, of at least **2 (two) projects** of a similar nature\* to the works subject to this tender, with the cumulative value of two of those projects exceeding **EUR 3 000 000 (three million euro)**, completed over the **last 8 (eight)** years from the submission deadline.
- b) At least one of the relevant projects must be related to construction works on river regulation or floods protection, with the value exceeding EUR 700 000 (seven hundred thousand euro).

\*The following is considered as similar nature:

- Construction works for river regulation or floods protection;
- Construction of embankments along watercourses;
- 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.*

#### Capacity-providing entities:

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 a commitment 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.

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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**

**5 September 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**

**5 September 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**

Subsequent to the initial contract resulting from the current tender procedure, new works consisting in the repetition of similar works, up to the estimated amount of 0 (zero) EUR, may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new works are in conformity with the same basic project.

**23. Legal basis<sup>1</sup>**

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).

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