

WORKS CONTRACT NOTICE

Reconstruction of Zenica and Orasje Prisons

Bosnia and Herzegovina

EC/BiH/TEN/17/008

1. Publication reference

EuropeAid/139-948/DD/WKS/BA

2. Procedure

Open

3. Programme title

Country Action Programme for Bosnia and Herzegovina 2015 – Objective 1

4. Financing

BGUE-B2018-22.020101-C8-NEAR DELBIH

5. Contracting Authority

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

Clarifications may be sought from the contracting authority at the following email address DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@eeas.europa.eu at the latest 21 days before the deadline for submission of applications stated at the point 19 below.

Clarifications will be published on the website of DG International Cooperation and Development <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and EU Delegation to BiH website: http://europa.ba/?page_id=320 at the latest 11 days before the deadline for submission.

CONTRACT SPECIFICATIONS

6. Description of the contract

The purpose of this Works Contract(s) is to construct additional facilities within the existing prison complexes at 2 locations in BiH.

Lot 1: Construction of New Pavilion in Zenica Prison Complex

The new accommodation block for over 200 inmates with dining/ kitchen facilities and fenced yard (680 m²) and access road is to be constructed. It will be two-storey L shaped building (app. 2 670 m²) with five floors high watcher tower. Foundation structure is designed as strip footing beneath the walls that are all, for security reasons, reinforced as well. Ceiling is modular suspended. Roof structure is classic with 10% slope and with metal sheet covering. The building is to be equipped with electronic security system (AV, Access control, fire alarm and cell alarms and ITE networks).

Lot 2: Constructions in Orasje Juvenile Correctional Facility Complex

Two structures within existing Juvenile Educational-Correctional Facility Complex are to be constructed:

- Two-storey educational building containing workshops and service areas in the ground floor and classrooms and teaching cabinets on the upper floor. It is designed as a free standing monolithic building of a rectangular shape on a flat area (37 x 16 m). The main load-bearing elements are RC horizontal and vertical ring beams with brick exterior/ interior walls.
- Sports-hall building (17 x 36 m) mainly designed for the basketball and volleyball equipped with showers, toilets, locker-rooms, storeroom and audience space and it's own heating system. The construction is monolithic - full AB 15 cm thick slabs with outer brick block walls. The roof construction is classic with 7% slope and with trapezoidal metal sheet covering.

7. Number and titles of lots

Lot 1: Construction of New Pavilion in Zenica Prison Complex

Lot 2: Constructions in Orasje Juvenile Correctional Facility Complex

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.

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.

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 Section 2.6.10.1 of the **practical Guide**.

Tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

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 16 000 for Lot 1 and EUR 8 000 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

An optional information site visit will be held:

- a) For Lot 1 on 13 November 2018 at 11:00 in Zenica (Sarajevska 36, Zenica, BiH)
- b) For Lot 2 on 14 November 2018 at 12:00 in Orasje (Dusine bb, Orašje, BiH)

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: 12 months; Lot 2: 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 12.1 of the Instruction to Tenderers and any additional forms tenderers may wish to use.

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

The selection criteria for tenderers are as follows:

1. *Economic and financial capacity of candidate:*

A) For Lot 1:

- a) The average annual turnover in the last 3 years must be at least 2 500 000 EUR (two and half million euro);
- b) In the case of joint venture/consortium the Lead Partner's individual total average turnover in the last 3 years must be at least 500, 000 EUR (five hundred thousand 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 300 000 EUR (three hundred thousand euro).

B) For Lot 2:

- a) The average annual turnover in the last 3 years must be at least 1 500 000 EUR (one and half million euro);
- b) In the case of joint venture/consortium the Lead Partner's individual total average turnover in the last 3 years must be at least 300, 000 EUR (three hundred thousand 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 140 000 EUR (two hundred thousand euro).

C) For Lot 1 & Lot 2

The tenderer must comply with the economic and financial capacity criteria for Lot 1 and Lot 2 cumulatively.

2. *Technical and professional capacity of candidates:*

A) For Lot 1

- a) The tenderer must be a registered firm 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. Relevant licence must be submitted together with the offer.
- c) The tenderer shall present experience in implementation, as a prime contractor, of at least 3 projects of similar nature and complexity with cumulative value of these projects exceeding 3 000 000 EUR (three million euro).
- d) The tenderer's key staff representatives are as follows:
Part-time **Contractor's Representative** in charge of overall contract management with the following qualifications:
 - University degree;
 - Shall have at least 5 years of experience in construction sector;
 - Good command of English language.Full-time **Site Manager** with the following qualifications:
 - University degree in engineering discipline;
 - Possessing Chartered Engineer Certificate ("polozen strucni ispit");
 - Site Management experience on at least 2 completed construction/reconstruction projects of similar nature over the last 8 years prior to the submission of tenders in the cumulative amount exceeding 2 000 000 EUR (two million euro).

B) For Lot 2

- a) The tenderer must be a registered firm 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. Relevant licence must be submitted together with the offer;
- c) The tenderer shall present experience in implementation, as a prime contractor, in at least 3 projects of similar nature and complexity with the cumulative value of these projects exceeding 2 000 000 EUR (two million euro).
- d) The tenderer's key staff representatives are as follows:
Part-time **Contractor's Representative** in charge of overall contract management with the following qualifications:
 - University degree;
 - Shall have at least 5 years of experience in construction sector;
 - Good command of English language.Full-time **Site Manager** with the following qualifications:
 - University degree in engineering discipline;
 - Possessing Chartered Engineer Certificate ("polozen strucni ispit");
 - Site Management experience on at least 2 completed construction/reconstruction projects of similar nature over the last 8 years prior to the submission of tenders in the cumulative amount exceeding 2 000 000 EUR (two million euro).

C) For Lot 1 & Lot 2

In case a tenderer applies to both Lots, the tenderer must comply with the above stated technical and professional capacity criteria of Lot 1, however, two Site Managers are to be proposed, one for each Lot/site, both satisfying the criteria for the Site Manger stated above.

Note:

- *The referenced projects have to be completed in the indicated period but they do not necessarily have to be started within nor implemented during the entire period specified above.*
- *The tenderer must present copies of respective certificate(s) of completion for the referenced projects.*
- *CVs of the key staff must be dully filled-in, stating the professional experience and listing and providing descriptions for the reference projects.*
- *Documents proving information presented in the CVs of the key staff must be submitted together with the offer. Only diplomas and experience with documented proof will be taken into account.*

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 relying on them and must comply with the selection criteria for which the economic operator relies on them. 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

The tender dossier is available from following web sites:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and

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.

CD with drawings is available free of charge for collection from the following address: Delegation of the European Union to BiH; Finance, Contracts 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.

Tenderers with questions regarding this tender should send them in writing to **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 DG International Cooperation and Development <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and EU Delegation to BiH website: http://europa.ba/?page_id=320

19. Deadline for submission of tenders

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders, either by post or private mail service, or by hand delivery.

In the first case, the application/tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender which will serve as proof.

24 January 2019 at 12:00 hrs Central European Time

Any tender submitted to the contracting authority after this deadline will not be considered.

¹ It is recommended to use registered mail in case the postmark would not be readable.

The contracting authority may, for reasons of administrative efficiency, reject any application or tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report or of the evaluation report, if accepting applications or tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.

How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

Delegation of the European Union to Bosnia and Herzegovina
Finance, Contracts and Audit Section - Procurement team
Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Delegation of the European Union to Bosnia and Herzegovina
Finance, Contracts and Audit Section - Procurement team
Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina
Opening hours: Monday to Thursday 08:30-17:30; Friday 08:30-14:00

The contract title and the publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

By submitting a tender candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

20. Tender opening session

24 January 2019 at 14:00 hrs Central European Time;

Venue: Delegation of the European Union to Bosnia and Herzegovina, Skenderija 3a, 71000 Sarajevo, BiH.

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 500 000 EUR per lot, 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

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).