

SERVICE CONTRACT NOTICE

Design and Studies for Motorway on SEETO Route 2a: Banja Luka Bypass

EC/BiH/TEN/18/012

1. Publication reference

EuropeAid/139580/DH/SER/BA

2. Procedure

Restricted

3. Programme title

Annual Action Programme for Bosnia and Herzegovina for the year 2017 – Objective 2

4. Financing

BGUE-B2017-22.020102-C1-NEAR DELBIH

5. Contracting Authority

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 23 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> at the latest 5 days before the deadline.

CONTRACT SPECIFICATION

6. Nature of contract

Global price

7. Contract description

The assignment considers a number of activities, including but not necessarily limited to: optimization of the alignment recommended in the preliminary (conceptual) phase of design, update of traffic study, preparation of preliminary and main design including required geotechnical and geodetic surveys, environment impact assessment, feasibility study, road safety audit, and tender dossier for works for approximately 17 km long stretch of a full profile motorway referred to as 'Banja Luka bypass', City of Banja Luka, Republika Srpska, Bosnia and Herzegovina.

The ultimate objective is to enable tendering of works in line with the applicable legislative and regulatory framework.

The Contractor is expected to deliver, as a minimum:

- Analyses of the Conceptual Design/Preliminary solutions checking the compliance with the legal framework,
- Optimisation of the alignment, connections of the motorway to the existing network, and adjusting of the network colliding with the motorway,
- Related studies, in particular updates of Technical Study and Traffic Study,
- Excerpts for issuance of Urban Conditions and obtaining the Urban Conformity,
- Preliminary Design, to the appropriate level of detail,
- Environment Impact Assessment, Feasibility Study and Road Safety Audit Report,
- Main Design for construction of the motorway section Banja Luka Bypass,
- The official Reviewer's Report, as required by the applicable Law in RS, cost included in global price of the Contract,
- The Tender Dossier for construction of the motorway section Banja Luka Bypass,
- Excerpts from the Design required for applying and obtaining of the Construction Permit.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 3 500 000

10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to the amount of the price offered under this Contract. Any extension of the contract would be subject to satisfactory performance by the Contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

Participation is open to all legal persons (participating either individually or in a grouping - consortium - of tenderers) which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item 29 below). Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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 will apply to candidates or tenderers from the United Kingdom 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 could be rejected from the procurement procedure.

12. Candidature

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender procedure. All members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

13. Number of applications

No more than one application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than one application, all applications in which that person has participated will be excluded.

14. Shortlist alliances prohibited

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the contracting authority has been obtained (see practical guide – PRAG – 2.6.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

15. Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the PRAG.

Candidates 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.

16. Sub-contracting

Subcontracting is allowed.

17. Number of candidates to be short-listed

On the basis of the applications received, between 4 and 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

December/January 2018

19. Provisional commencement date of the contract

June 2019

20. Initial period of implementation of tasks

24 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

- 1) **Economic and financial capacity of candidate** (based on item 3 of the application form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.
 - a. Average annual turnover of the candidate for the previous three financial years shall be at least EUR 2 500 000.
- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last five years from submission deadline.
 - a. The designs to be produced under this assignment are considered legally valid only if certified by the company having a valid design license under the law of Republika Srpska. Possession of at least the valid RS license for design in civil engineering (licenca za projektiranje/projektovanje u oblasti niskogradnje), if further restricted then it must be exclusively for design of motorways (projektovanje/projektiranje autoputeva/autocesta), therefore, would be considered **mandatory** for the candidate (at least for 1 member in case of consortium) **at the time of submitting the application**. No licenses for limited/specific/restricted scope of design would be taken into consideration (such as license for only tunnel design, for only bridge design or for only electrical design).

The candidate would have to demonstrate that other licenses that may be required under the Law of RS, such as, but not necessarily limited to construction of high-rise buildings, mechanical engineering, hydro engineering, electrical engineering, and geotechnical investigations, shall be available with consortium members and/or subcontractors at the time of the contract signature.

- b. The candidate shall have at least twenty (20) staff currently working for the candidate in fields related to this contract.

3) Technical capacity of candidate (based on items 5 and 6 of the application form). The reference period which will be taken into account **will be the last five years from submission deadline.**

- a) The candidate has **successfully completed** preliminary and/or main design for new **construction** of at least 15 km of a full profile motorway(s) (two traffic lanes and emergency lane in both directions), or for a full profile expressway(s) (two traffic lanes and no emergency lane in both directions), for speed of at least 80km/h. The candidate shall be able to demonstrate that such designs were developed using standards and procedures fully compliant with the EU standards and regulations and the EBRD / EIB procedures and regulations.

The following shall not be taken in consideration as relevant references: Designs for rehabilitation/reconstruction/upgrade of motorway / expressway sections, designs for of motorway / expressway sections not longer than 3.00 km per individual section, designs for streets, boulevards and similar, categorised and non-categorised roads, designs considering exclusively bridges, viaducts, interchanges and/or tunnels.

If a candidate/tenderer has implemented the reference project in a consortium, the percentage that the candidate/tenderer has successfully completed must be at least 60%, and must be clear from the documentary evidence, together with a description of the nature of the services provided and shall comply with the above.

Notes:

- *The length of motorway / expressway section shall be measured as start point – to – end point of the respective continuous section of the motorway.*
- *In case that both preliminary design and main design were done for the same motorway / expressway section, the respective length of the section to be taken in consideration shall be calculated as length of the section subject to preliminary design plus length of the section subject to main design.*
- *The date (dd/mm/yy) of completion of the respective motorway / expressway design, and the length of the respective motorway / expressway section subject to design shall be dully indicated as selection will be based on the total length of sections, rather than on the number or the value of such projects.*

Project the candidate refers to could have been completed at any time during the indicated period, but it does not necessarily have to be started during that period, nor implemented during the entire period.

Previous experience which caused breach of contract and termination by a contracting authority shall not be used as reference.

An economic operator may, where appropriate and for a particular contract, rely on the capacities 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 in majority on the capacities of other entities or when they rely 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 for performance of the contract, for example by producing a commitment on the part of those entities to place those resources at its disposal. Such entities, for instance the parent company of the economic operator, must respect the same rules of eligibility - notably that of nationality – and must comply with the selection criteria for which the economic operator relies on them. Furthermore,

the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the eight best candidates. The only additional comparative criteria which will be taken into consideration during this re-examination, in the order that they appear below, are:

- a) The total length of motorway sections considered relevant as per criterion 21.3.a.
- b) The total length of motorway sections considered relevant as per criterion 21.3.a. implemented in countries subject to Stabilisation and Association Process at the time of completion of the respective design.

N.B.: additional comparative criterion b) will be applied only if the number of eligible candidates remains higher than 8 after applying additional comparative criterion a).

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders: one is 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.

10th December 2018 at 16:00 Central European Time

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

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

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

re-calling the evaluation committee) or jeopardise decisions already taken and notified.

24. Application format and details to be provided

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. How applications may be submitted

Applications 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 :

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

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

- 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:

Finance, Contracts and Audit Section - Procurement Team
Delegation of the European Union to Bosnia and Herzegovina
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.

Applications submitted by any other means will not be considered.

By submitting an application 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.

26. Alteration or withdrawal of applications

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. Operational language

All written communications for this tender procedure and contract must be in English.

28. Date of publication of prior information notice

March 30, 2018.

29. 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 the of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

30. Additional information

Not applicable.

* * *