

## **SERVICE CONTRACT NOTICE**

### **Technical assistance for preparation of erosion protection plans and technical design documentation for flood-protecting infrastructure for selected priority areas in Bosnia and Herzegovina**

**EC/BIH/TEN/19/013**

**1. Publication reference**

EuropeAid/140327/DH/SER/BA

**2. Procedure**

Restricted

**3. Programme title**

Country Action Programme for Bosnia and Herzegovina 2016 - Objective 2

**4. Financing**

BGUE-B2019-22.020102

**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](mailto: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 at the latest 5 days before the deadline.

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## **CONTRACT SPECIFICATION**

**6. Nature of contract**

Global price

**7. Contract description**

The assistance planned includes the following components:

Component 1: Preparation of erosion protection plans for the Federation of Bosnia and Herzegovina and Brčko District of Bosnia and Herzegovina.

Component 2: Developing technical documentation (e.g. feasibility studies, cost benefit analyses, Environmental Impact Assessment, conceptual/preliminary/detailed designs, etc. as appropriate) for infrastructure protecting from floods in the priority areas in the Sava River and the Adriatic watersheds in Republika Srpska of Bosnia and Herzegovina.

**8. Number and titles of lots**

One lot only

**9. Maximum budget**

EUR 2,500,000

**10. Scope for additional services**

The contracting authority may, at its own discretion, extend the service contract in duration and/or scope subject to the availability of funding up to to the length and value of the initial 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 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) No 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 29 below) . Participation is also open to international organisations.

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 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.

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## **PROVISIONAL TIMETABLE**

### **18. Provisional date of invitation to tender**

November 2019

### **19. Provisional commencement date of the contract**

June 2020

### **20. Initial period of implementation of tasks**

30 months

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## **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 financial years for which accounts have been closed.

a) The average annual turnover of the candidate(s) for the last three years for which accounts have been closed must exceed EUR 1,000,000.

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 three years preceding the submission deadline.

a) At least five permanent staff employed by the candidate(s) worked and currently works in the fields related to this contract (climate change, water resources management or flood management).

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 preceding the submission deadline.

(a) The candidate has provided services under at least one **completed contract** with a budget of at least EUR 1,500,000 in the fields related to this contract, specifically water resources management or flood management, implemented in EU member states, EU candidate/potential candidate countries<sup>1</sup>, and/or ENI countries<sup>2</sup> which was completed at any moment during the reference period mentioned above.

*Note:* The referenced project must have been completed in the indicated period but do not necessarily have to be started within that period.

If a candidate has implemented the service contract in a consortium, the proportion of the contract carried out by the candidate(s) must be at least 50%.

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. 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 the performance of the contract by producing a commitment by those entities to place those resources at its disposal. Such entities, for

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<sup>1</sup> •EU candidate countries include: Turkey, Albania, Montenegro, Serbia and the Republic of North Macedonia. Potential candidate countries include Bosnia-Herzegovina and Kosovo (This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence)

<sup>2</sup> European Neighbourhood Instrument (ENI) countries include: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia, and Ukraine.

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 provided 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 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 must be re-examined in order to rank their applications and identify the 8 best candidates in accordance with point 17 of this contract notice.. The only additional comparative criteria that will be taken into consideration during this re-examination, in the order in which they appear below, are:

- 1) The highest number of references compliant to criterion 21.3 (a) above.
- 2) The highest value of the proportions carried out by the candidate, in the projects compliant to criterion 21.3 (a) above.

## **22. Award criteria**

Best price-quality ratio.

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# **APPLICATION**

## **23. Deadline for receipt of applications**

The candidate attention is drawn to the fact that there are two different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>3</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

28 October 2019 at 12:00 Central European Time.

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

The contracting authority may, for reasons of administrative efficiency, reject any application 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, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

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<sup>3</sup> It is recommended to use registered mail in case the postmark would not be readable.

## **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 :

The Delegation of the European Union to BiH  
Finance, Contracts and Audit Section, Procurement Team,  
Skenderija 3a, 71 000 Sarajevo, Bosnia and Herzegovina

- OR hand delivered by the candidate 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 acknowledgment of receipt to:

The Delegation of the European Union to BiH  
Finance, Contracts and Audit Section, Procurement Team  
Skenderija 3a, 71 000 Sarajevo, Bosnia and Herzegovina

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**

17 June 2019.

**29. Legal basis<sup>4</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) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

**30. Additional information**

Financial data to be provided by the candidate in the standard application form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of September 2019, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

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<sup>4</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).