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## WORKS CONTRACT NOTICE

### "Regulation of Bosnia River in Sarajevsko Polje" - IPA 2011

Bosnia and Herzegovina

(Re-launch)

**1. Publication reference**

EuropeAid/136-507/DD/WKS/BA

EC/BIH/TEN/14/024

**2. Procedure**

Local Open

**3. Programme title**

IPA 2011 National Programme for Bosnia and Herzegovina

**4. Financing**

Financing agreement

**5. Contracting Authority**

European Commission, on behalf of and for the account of the beneficiary country

**CONTRACT SPECIFICATIONS**

**6. Description of the contract**

The Bosna River basin is the most populated sub-basin of Sava river with 1.820.080 inhabitants and with the most developed industry in Bosnia and Herzegovina. Due to its size and importance, it is listed as a river of category I in the Water Law of the Federation of Bosnia and Herzegovina. The current status of flood protection structures is not satisfactory. The protection is provided only partially in central parts of some towns along the Bosna River.

Sarajevo field is one of the areas jeopardised by floods of the Bosna River and its tributaries: Dobrinja, Zeljeznica, Miljacka and Zujevina. Floods in this area cause significant problems as the area is densely populated and there are a number of industrial plants. Further development of the area is limited due to flood occurrences. It is important to note that the area of Sarajevo field also includes a protected area of Sarajevo's water supply intake.

The project includes regulation of the Bosnia River and construction of flood protection structures on the Bosnia River banks.

**7. Number and titles of lots**

One (1) single lot that includes all five components.

## **TERMS OF PARTICIPATION**

### **8. Eligibility and rules of origin**

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 also heading 22 below). All works, supplies and services under this contract must originate in one or more of these countries. Participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

### **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 that includes all five components. Tenders for parts of the tender 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. 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 42,000.00**.

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 **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/site visit is planned.

### **14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

### **15. Period of implementation of tasks**

12 months following issuance of the Commencement Order.

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## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

#### **Economic and Financial capacity:**

- a) The tenderer must be a registered firm or natural persons capable to carry out the specified works. It must be duly authorized to perform the works under this contract in accordance with the relevant law in force in BiH.
- b) The total turnover in construction works of a sole tenderer/or a joint venture/consortium as a whole, during the past three (3) years (2011, 2012, 2013) must be at least 3.0 MEUR.; (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- c) Works in hand in construction of a sole tenderer must be at least 0.5 MEUR. In the case of joint venture/consortium, works in hand in construction of at least one (1) member of joint venture/consortium must be at least 0.3 MEUR; while the consortium/joint venture as a whole must have at least 0.5 MEUR construction works in hand. (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.3.)
- d) The sole tenderer or at least one partner in a joint venture/consortium 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 1.0 MEUR.

The sole tenderer/or a joint venture/consortium as a whole,

#### **Professional capacity:**

The key personnel Site Manager will be responsible for the day-to-day on site running of the construction project, on behalf of the Contractor and in accordance with the FBIH Construction law and regulations.

a) Site Manager must be as follows:

- Shall have a University degree (BSc) (\*) in civil engineering or related engineering discipline;
- Is a chartered engineer under the legislation applicable in Bosnia and Herzegovina ("polozen strucni ispit");
- Shall have at least seven (7) years of relevant professional experience in construction;
- Shall have completed at least one (1) construction project in water/waste water sector as a site manager of a similar complexity and nature comparable with this project, over the last 3 years (2011, 2012, 2013)

*(\*)A level of education which corresponds to completed university studies attested by a diploma in a subject relevant to the field concerned when the normal period of university education is equivalent to 4 years or more.*

**Please note that documents proving information presented in the Site Manager's CV must be submitted together with the tender offer. Only diplomas and experience-periods with documented proofs will be taken into account.**

### **Technical capacity:**

- a) In case of sole tenderer, he must have the ability to carry out at least 70% of the construction works by its own means, meaning he must have organisational, structure, equipment, materials, human and financial resources, including access to the bank loans, necessary to enable him to carry out 70% of the contract.
- b) In case of consortium/joint venture, the lead partner must have the ability to carry out at least 50% of the contract works by his own means, as defined in point a) above.
- c) Other partners in a joint venture/consortium (i.e. not the lead partner) must have the ability to carry out at least 10% of the contract works by his own means, as defined in point a) above.
- d) The sole tenderer/or a joint venture/consortium as a whole, shall present its experience in implementation as a prime contractor, of at least 2 (two) projects in water/waste water sector of a similar complexity and nature comparable with this project, with the value exceeding 0.5 MEUR each, over the last 5 (five) years, prior to the tender submission deadline.

The referenced projects must have been completed in the indicated period but it does not necessarily have to be started within that period.

Note: The projects in transport sector that includes considerable interventions related to the river regulation could be taken into consideration if its value, proportion within the overall project and scope of the relevant interventions are clearly specified to establish clear relevance to the above criteria.

- e) The tenderer must present copies of the respective certificate(s) of commissioning, provisional or final acceptance certificate endorsed by the Supervisors/Contracting Authority for the projects concerned. The Contracting Authority reserves the right to ask for further information. On-going works of the tenderer shall not be taken into consideration.

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.

### **17. Award criteria**

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/TendersExtAll.aspx?id=138&cat=11&lang=EN>

CD with drawings is available free of charge for collection from the following address: Delegation of the European Union to BiH; Contracts, Finance and Audit Section – Procurement, Skenderija 3a, 71000 Sarajevo, BiH. In case that tenderer is not able to collect the dossier 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-bih-procurement@eeas.europa.eu](mailto:delegation-bih-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

Procurement Team

Skenderija 3a

71000 Sarajevo; Bosnia and Herzegovina

Fax: +387 33 218 323

E-mail: [delegation-bih-procurement@eeas.europa.eu](mailto:delegation-bih-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/TendersExtAll.aspx?id=138&cat=11&lang=EN>

## **19. Deadline for submission of tenders**

12:00 Central European Time on **17 February 2015**

Any tender received after this deadline will not be considered.

## **20. Tender opening session**

14:00 Central European Time on **17 February 2015**

## **21. Language of the procedure**

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

## **22. Legal basis**

Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)