

SERVICE PROCUREMENT NOTICE

Tender No. EC/BiH/08/038

Provision of technical assistance to railway authorities in Bosnia and Herzegovina in harmonising regulations for maintenance of railway infrastructure and rolling stock with the EU Directives

Location - Bosnia and Herzegovina

1. Publication reference

EuropeAid/127201/C/SER/BA

2. Procedure

Restricted

3. Programme

IPA 2007

4. Financing

BGUE-B2009-22.020200-C8-ELARG DELBIH

5. Contracting Authority

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

CONTRACT SPECIFICATION

6. Nature of contract

Global price

7. Contract description

Based on gaps with the EU standards to be determined in the initial phase of the assignment, the railway regulations should be drafted in a manner to be harmonised with the mandatory safety and interoperability requirements, and approximated wherever not mandatory, to provide a clear regulatory basis for regular maintenance activities to be performed by the infrastructure manager(s) and railway undertakings. The updated regulations would have to reflect contemporary scientific achievements in the sector, as well as comply with EU technical regulations, in particular the EU Directives for interoperability (2001/16/EC), Technical Interoperability Specifications (TSIs) and safety Directives (2004/49/EC) in railways. They also have to assure that safe, cost effective and functional actions shall be foreseen and imposed to the licensed Railway Undertakings (RUs) and Infrastructure Managers (IMs). In particular this would enable the Railway Regulatory Body (RRB) to issue licenses for the IMs and RUs, inspect of their compliance to the regulation and their operational performance, and to arbitrate in case of conflicting positions. In practical terms, the final product shall consider a vast volume of regulations concerning railway infrastructure and rolling stock.

The expected overall result would be an interoperable and safe railway transport environment in B&H, compliant to the EU requirements. Besides the RRB, the B&H Railways Public Corporation, (BHRPC) being legally responsible for coordination of construction and upgrade of the railway infrastructure, shall also benefit from this project. The updated and harmonised railway regulations concerning the railway infrastructure shall provide the regulatory basis for the Corporation for implementation of design, upgrade and construction activities concerning the railway infrastructure in B&H. This would assure full application of the Technical Specifications for Interoperability and the EU Directives for safety and interoperability in the mid to long-term prospective in Bosnia and Herzegovina.

8. Number and titles of lots

n/a

9. Maximum budget

EUR 1,000,000.00

10. Scope for additional services

n/a

CONDITIONS OF PARTICIPATION

11. Eligibility

Participation is open to all legal persons [participating either individually or in a grouping (consortium) of candidates] 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 item 30 below and

http://ec.europa.eu/europeaid/work/procedures/implementation/eligibility/index_en.htm ; next enter

GENERAL ANNEX A2 Eligibility programmes 2007-2013 and go to Instrument for Pre-Accession Assistance (Council Regulation (EC) N° 1085/2006 - OJ L 210/82 of 31.7.2006).

Participation is also open to international organisations. The participation of natural persons is governed by the specific instruments applicable to the programme under which the contract is financed.

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. 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 2.3.3 of the Practical Guide to contract procedures for EC external actions

16. Sub-contracting

The maximum percentage which may be sub-contracted shall not exceed **30%** of the contract value.

17. Number of candidates to be short-listed

On the basis of the applications received, between 4-8 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

April 2009

19. Provisional commencement date of the contract

June 2009

20. Initial period of execution and possible extension of the contract

20 consecutive calendar 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:

- 1) Economic and financial capacity of candidate (based on item 3 of the application form)
 - a) Annual turnover of the candidate (firm or consortium) for the previous two years (2007, 2008) shall be at least an average per year of 3 MEUR.
 - b) Cash and cash equivalents at end of year shall not be negative for two previous financial years (2007, 2008).
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
 - a) The candidate (firm or consortium) shall clearly demonstrate availability of at least an average of 50 experts in the field of railway transport throughout the previous two years (2007, 2008).

3) Technical capacity of candidate (based on items 5 and 6 of the application form)

- a) The candidate (firm or consortium) shall present experience on at least 1 successfully completed project concerning railway regulatory issues over the last 36 months before launch of this tender, with participation of the candidate in the respective project of at least 50%.

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. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those resources at its disposal. Such entities must respect the same rules of eligibility and notably that of nationality, as the economic operator.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

- a) Total financial value of candidate's participation in successfully completed projects concerning railway regulatory issues over the last 36 months before launch of this tender.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

March 31st, 2009 at 17:00 Central European Time

Any application received after this deadline will not be considered.

24. Application format and details to be provided

Applications must be submitted using the standard application form (available from the following Internet address: http://ec.europa.eu/europeaid/work/procedures/index_en.htm), next enter IMPLEMENTATION, choose service contract and go to relevant annexes. The format and instructions must be strictly observed.

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:

- EITHER by recorded delivery (official postal service) OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:
Delegation of the European Commission to Bosnia and Herzegovina
Procurement Team
Ul. Skenderija 3-A
71000 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.

26. Alteration or withdrawal of applications

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Clause 25. The outer envelope (and the relevant inner envelope) 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. Additional information

n/a

29. Date of publication of contract forecast

June 13, 2008

30. Legal basis

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