
WORKS PROCUREMENT NOTICE

Rehabilitation of courtrooms in selected Cantonal and District courts in Bosnia and Herzegovina to provide for improved physical and technical conditions for processing war crime cases

EC/BiH/TEN/12/031

1. Publication reference

EuropeAid/ 133-251/L/WKS/BA

2. Procedure

Local Open

3. Programme

IPA 2009

4. Financing

BGUE-B2009-22.020200-C1-ELARG DELBIH

5. Contracting Authority

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

CONTRACT SPECIFICATIONS

6. Description of the contract

Cantonal and District courts in Bosnia and Herzegovina are often unable to organise testimonies for protected witnesses in accordance with entity laws on witness protection, due to lack of adequate equipment, courtrooms and rooms for witnesses.

Therefore, the result foreseen under this project is to create a safe environment for witnesses by providing adequate courtrooms and separate rooms for witnesses, and audio and video equipment specific for war crime trials and witness protection in the selected cantonal and district courts. Specifically, at least one courtroom in the selected courts will be rehabilitated for war crime trial purposes, along with one separate room for witnesses and/or provided with a possibility to conduct a hearing from distance location (another court) using protected video link. The courtrooms and separate rooms for witnesses will be equipped to enable the implementation of the Laws on the Protection of Witnesses under Threat and Vulnerable Witnesses and thus will create a safe and pleasant environment for witnesses.

The following selected Cantonal and District courts in Bosnia and Herzegovina will be subject to reconstructions and/or equipping under the EU IPA funded assistance:

- Cantonal Court Novi Travnik;
- Cantonal Court Tuzla;
- Cantonal Court Livno;
- Cantonal Court Zenica;
- Cantonal Court Bihać;
- Cantonal Court Mostar;

- District Court Bijeljina;
- District Court Trebinje;
- District Court East Sarajevo;
- District Court Doboj;
- Basic Court Brčko.

The Contracting Authority reserve the right to reducing the scope of the works or revising other terms of the contract in order to bring the tender price down to a level satisfactory to the Contracting Authority.

7. Number and titles of lots

LOT 1:

Cantonal Court Novi Travnik;
Cantonal Court Zenica;
District Court East Sarajevo.

LOT 2:

Cantonal Court Tuzla;
District Court Doboj;
District Court Bijeljina;
Basic Court Brčko.

LOT 3:

Cantonal Court Livno;
Cantonal Court Mostar;
District Court Trebinje.

LOT 4:

Cantonal Court Bihać

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 to contract procedures for EU external actions**.

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 3,700 EUR for Lot 1; 4,700 EUR for Lot 2; 3,300 EUR for Lot 3; and 1,200 EUR for Lot 4 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

No information meeting and/or 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

Lot 1: 8 (eight) months construction/rehabilitation works implementation following issuance of the Commencement Order.

Lot 2: 8 (eight) months construction/rehabilitation works implementation following issuance of the Commencement Order.

Lot 3: 8 (eight) months construction/rehabilitation works implementation following issuance of the Commencement Order.

Lot 4: 6 (six) months construction/rehabilitation works implementation following issuance of the Commencement Order,

to be followed by the Defect Liability Period of 365 days as stipulated in Article 61.7. of these Special Conditions.

SELECTION AND AWARD CRITERIA

16. Selection criteria

Economic and Financial capacity for any of the Lot 1, 2, 3 and 4, offered separately:

- a) The tenderer must be a registered firm or natural persons capable to carry out the specified works.
- b) The total turnover in construction works of a sole tenderer during the past three (3) years (2009 + 2010 + 2011) must be at least **100,000 EUR**. In the case of joint venture/consortium the Lead Partner's individual total turnover in construction works in the past three (3) years (2009 + 2010

- + 2011) must be at least **50,000 EUR**, while the consortium/joint venture as a whole must have turnover in construction works of at least **100,000 EUR** in total for the previous 3 years (2009 + 2010 + 2011); (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 **50,000 EUR**. 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 **30,000 EUR**; while the consortium/joint venture as a whole must have at least **50,000 EUR** construction works in hand. (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.3.)
 - d) The sole tenderer or at least one of the partners 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 available must be at least **100,000 EUR**.

Economic and Financial capacity for any two lots offered

- e) The tenderer must be a registered firm or natural persons capable to carry out the specified works.
- f) The total turnover in construction works of a sole tenderer during the past three (3) years (2009 + 2010 + 2011) must be at least **150,000 EUR**. In the case of joint venture/consortium the Lead Partner's individual total turnover in construction works in the past three (3) years (2009 + 2010 + 2011) must be at least **75,000 EUR**, while the consortium/joint venture as a whole must have turnover in construction works of at least **150,000 EUR** in total for the previous 3 years (2009 + 2010 + 2011); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- g) Works in hand in construction of a sole tenderer must be at least **75,000 EUR**. 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 **50,000 EUR**; while the consortium/joint venture as a whole must have at least **75,000 EUR** construction works in hand. (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.3.)
- h) The sole tenderer or at least one of the partners 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 available must be at least **150,000 EUR**.

Economic and Financial capacity for any three lots offered

- i) The tenderer must be a registered firm or natural persons capable to carry out the specified works.
- j) The total turnover in construction works of a sole tenderer during the past three (3) years (2009 + 2010 + 2011) must be at least **200,000 EUR**. In the case of joint venture/consortium the Lead Partner's individual total turnover in construction works in the past three (3) years (2009 + 2010 + 2011) must be at least **100,000 EUR**, while the consortium/joint venture as a whole must have turnover in construction works of at least **200,000 EUR** in total for the previous 3 years (2009 + 2010 + 2011); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- k) Works in hand in construction of a sole tenderer must be at least **100,000 EUR**. 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 **60,000 EUR**; while the consortium/joint venture as a whole must have at least **100,000 EUR** construction works in hand. (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.3.)
- l) The sole tenderer or at least one of the partners 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 available must be at least **200,000 EUR**.

Economic and Financial capacity for all four lots offered

- m) The tenderer must be a registered firm or natural persons capable to carry out the specified works.
- n) The total turnover in construction works of a sole tenderer during the past three (3) years (2009 + 2010 + 2011) must be at least **500,000 EUR**. In the case of joint venture/consortium the Lead Partner's individual total turnover in construction works in the past three (3) years (2009 + 2010 + 2011) must be at least **250,000 EUR**, while the consortium/joint venture as a whole must have turnover in construction works of at least **500,000 EUR** in total for the previous 3 years (2009 + 2010+ 2011); (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.2.).
- o) Works in hand in construction of a sole tenderer must be at least **300,000 EUR**. 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 **150,000 EUR**; while the consortium/joint venture as a whole must have at least **300,000 EUR** construction works in hand. (Vol. 1; Sec.4; Form 4.4; Financial statement – 4.4.3.)
- p) The sole tenderer or at least one of the partners 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 available must be at least **300,000 EUR**.

Professional capacity:

The key personnel (Project Manager and Electrical Engineer) must be as follows:

a) Project Manager:

- shall have a University degree (BSc)^(*) in civil engineering or architecture;
- 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 management (i.e. managing design preparation., construction works or supervision over construction works)

b) Electrical engineer:

- shall have a University degree (BSc)^(*) in electrical engineering;
- 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 related to electrical installations (i.e. design preparation, supervision over construction or construction of electrical installations of HV/LV)

()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.*

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)** construction projects, physically completed, of similar complexity and nature (i.e. buildings construction/rehabilitation), over the past **5 (five)** years prior to the tender submission deadline.

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.

17. Award criteria

Price.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available at EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and EU Delegation to BiH website <http://www.europa.ba/Tenders.aspx?lang=EN&cat=2>.

Copy of construction drawings are available for collection from the Contacting Authority. Collection of construction drawings will be organized and couriers' fee paid by the Tenderer.

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

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 EU Delegation to BiH website <http://www.europa.ba/Tenders.aspx?lang=EN&cat=2>.

19. Deadline for submission of tenders

12:00 Central European Time on 5th September 2012.

Any tender received after this deadline will not be considered.

20. Tender opening session

15:00 Central European Time on 5th September 2012.

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 \(IPA\)](#).

Please note that this works tender procedure is launched with a "*suspensive clause*" (reference section 2.4.12 and 2.3.6 of the Practical Guide to contract procedures for EU external actions). The procedure shall invariably be cancelled if the Amendment to the Financing Agreement for IPA 2009 National Programme Component I, part II – Bosnia and Herzegovina is not signed."