

## **WORKS CONTRACTNOTICE**

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

**Bosnia and Herzegovina**

**Tender No.EC/BiH/TEN/13/043**

**1. Publication reference**

EuropeAid/135-453/DD/WKS/BA

**2. Procedure**

Local Open

**3. Programme**

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 BiH. Due to its size and importance, it is listed as a river of category I in the Water Law of the FBiH. 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 and its tributaries: Dobrinja, Zeljeznica, Miljacka, Zujevina and Tilava. 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

Five (5) lots, as follows:

LOT 1 - ST 4+373,90 to 5+793,3

LOT 2A - ST 6+893,44 to 7+146,05

LOT 2B - ST 7+146,05 to 7+919,19

LOT 3 – Inflow of the River Dobrinja

LOT 4 - ST 3+638.77 TO 4+373.90

## 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:

- EUR 15.000 for LOT 1 - ST 4+373,90 to 5+793,3
- EUR 2.000 for LOT 2A - ST 6+893,44 to 7+146,05
- EUR 7.000 for LOT 2B - ST 7+146,05 to 7+919,19
- EUR 3.000 for LOT 3 – Inflow of the River Dobrinja
- EUR 15.000 for LOT 4 - ST 3+638.77 to 4+373.90

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 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

All lots – Ten (10) months following Commencement Date.

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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.
- b) The total turnover in construction works of a sole tenderer during the past three (3) years (2011 + 2012 + 2013) must be at least **3.0 MEUR**. In the case of joint venture/consortium the Lead Partner's individual total turnover in construction works in the past three (3) years (2011 + 2012 + 2013) must be at least **2.0 MEUR**, while the consortium/joint venture as a whole must have turnover in construction works of at least **3.0 MEUR** in total for the previous 3 years (2011 + 2012 + 2013); (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 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 of credit available must be at least **1.0 MEUR**.

## **Professional capacity:**

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

a) Project Manager:

- Shall have a University degree (BSc)<sup>(\*)</sup> in civil engineering or related engineering discipline;
- Shall have at least ten (10) years of general professional experience in construction;
- Shall have at least five (5) years of relevant professional experience in construction management in water/waste water sector;
- Shall have completed at least one (1) construction projects as a Project Manager in water/waste water sector over the last five (5) years (2009+2010 + 2011 + 2012+2013);

b) Site Manager:

- Shall have a University degree (BSc)<sup>(\*)</sup> 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 ten (10) years of relevant professional experience in construction;
- Shall have completed at least one (1) construction projects as a site manager of flood protection project or project of a similar nature over the last five (5) years (2009+2010 + 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.*

## **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 related to flood protection or rivers' regulation, over the past 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.

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 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, 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.

#### **17. Award criteria**

Price

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### **TENDERING**

#### **18. How to obtain the tender dossier**

An electronic version of the tender dossier including drawings (CD-ROM) is available free of charge for collection from the address given below upon request sent to the following e-mail address: [DELEGATION-BiH-PROCUREMENT@eeas.europa.eu](mailto:DELEGATION-BiH-PROCUREMENT@eeas.europa.eu). 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, an electronic version of the tender dossier including drawings (CD-ROM) could be sent by courier delivery to the address of the interested party at its own expense.

The tender dossier is also available for consultation from the Contracting Authority at the address given below.

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://www.europa.ba/?akcija=tenderi&jezik=2>.

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

12:00 Central European Time on **31 March 2014**.

Any tender received after this deadline will not be considered.

**20. Tender opening session**

15:00 Central European Time on **31 March 2014**.

**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)