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## **WORKS CONTRACT NOTICE**

### **Construction of the Cantonal Prosecutors Office in Zenica**

#### **Bosnia and Herzegovina**

**1. Publication reference**

EuropeAid/ 135-704/DD/WKS/BA; EC/BiH/TEN/14/003

**2. Procedure**

Open

**3. Programme**

IPA 2012 National programme to Bosnia and Herzegovina

**4. Financing**

BGUE-B2012-22.020200-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**

The particular contract would provide for construction of the new building to accommodate the Cantonal Prosecutors Office (object „C“ as referred to in the Technical description). The new Cantonal Prosecutors Office would be constructed close to the existing Municipal court building. The designed dimensions of the new Cantonal Prosecutors Office building are 13,15m x 31,90m. The new building would include the basement, the ground floor and 4 floors. Net usable area of the new building totals 2385,27 m<sup>2</sup>. It would accommodate 31 offices for the prosecutors.

The construction permit is available.

**7. Number and titles of lots**

No, one lot only

### **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. 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. 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 **20,000 euros** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer 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 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 (twelve) calendar months from the Commencement date, until issuance of the Provisional Acceptance Certificate for the works, to be followed by the Defect Liability Period of 365 days.

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## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

#### *Economic and financial capacity of candidate:*

- 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 **2.0 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 **1.0 MEUR**, while the consortium/joint venture as a whole must have turnover in construction works of at least **2.0 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 **0.5 MEUR**.

#### *Professional capacity of candidate:*

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

##### a) Project Manager:

- shall have a University degree (BSc)<sup>(\*)</sup> in civil engineering or architecture;
- shall have at least seven (7) years of relevant professional experience in construction management (i.e. managing construction works or supervision over construction works)

##### b) Site Manager:

- shall have accomplished as a minimum a 2 year post-secondary education in technical disciplines
- is a chartered engineer (“polozen strucni ispit”) according to the legislation applicable in Bosnia and Herzegovina
- shall have at least seven (7) years of relevant professional experience in construction
- shall have completed at least one **(1) construction/reconstruction project**, as a site manager, of a similar complexity and nature, comparable with this particular project over the last **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 of candidate:**

- 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 at least one of the partners in a joint venture/consortium shall present its experience in implementation, **as a prime contractor**, of at least **1 (one)** construction project, physically completed, of similar complexity and nature, 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.

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 including drawings (CD-ROM) is available free of charge for collection, from the Contracting Authority from the following address:

Delegation of the European Union to Bosnia and Herzegovina  
Contract, Finance and Audit Section – Procurement Team  
Skenderija 3a  
71000 Sarajevo; Bosnia and Herzegovina

upon request sent to the 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) will be sent by courier delivery to the address of the interested party at its expense.

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/Tenders.aspx?id=65&cat=2&lang=EN>

**19. Deadline for submission of tenders**

15 May 2014, 12:00, Central European Time.

Any tender received after this deadline will not be considered.

**20. Tender opening session**

15 May 2014, 15:00, Central European Time.

**21. Language of the procedure**

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

**22. Legal basis**

IPA, Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA).