

SERVICE CONTRACT NOTICE

Tender No EC/BIH/TEN/13/022

Preparation of main designs and related studies for motorway section in the Corridor Vc

Western Balkans, Bosnia and Herzegovina, Federation of BiH, Pan-European Corridor Vc

1. Publication reference

EuropeAid/134411/DH/SER/BA

2. Procedure

Restricted

3. Programme

IPA 2011

4. Financing

BGUE-B2014-22.020200-C8-ELARG DELBIH

5. Contracting Authority

- European Union, represented by the European Commission on behalf of and for the account of the beneficiary country Bosnia and Herzegovina

CONTRACT SPECIFICATION

6. Nature of contract

Global price

7. Contract description

The project concerns provision of pre-conditions for launch of the respective works tenders for continuation of the construction of the priority motorway sections on the Pan-European Corridor Vc in Bosnia and Herzegovina.

The project is foreseen to be carried out in three main phases, for the respective motorway section as presented below:

- (i) Phase 1: Preparation of Optimisation Studies of the alignment, and preparation of the Report based on analysis of the actual Preliminary Design and existing study documentation,
- (ii) Phase 2: Preparation of Main and Execution Designs.
- (iii) Phase 3: Preparation of Tender Dossier for construction of respective motorway section.

The section subject to this assignment would be indicatively (precise chainage is subject to Main and Execution Design):

- (i) Northern borderline of Zenica Municipality - Nemila – Zenica North (Donja Gračanica), indicatively L = 16.00 km.

8. Number and titles of lots

No, one lot only

9. Maximum budget

2,500,000.00 EUR

10. Scope for additional services

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to a maximum not exceeding the length and value of the initial contract . Any extension of the contract would be subject to satisfactory performance by the Contractor.

CONDITIONS OF PARTICIPATION

11. Eligibility

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 item 22 below). All goods supplied under this contract must originate in one or more of these countries. Participation is also open to international organisations. Participation of natural persons is directly 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 (ie, 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 unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG- 2.4.3.). 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 PRAG

16. Sub-contracting

Subcontracting is allowed

17. Number of candidates to be short-listed

On the basis of the applications received, between 4 and 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

February/March 2015

19. Provisional commencement date of the contract

August 2015

20. Initial period of implementation of tasks

18 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

Same criteria for legal and natural person

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).
In case of candidate being a public body, equivalent information should be provided.

Criteria for legal and natural persons:

- a. Average annual turnover of the candidate for the previous two financial years shall be at least 3 MEURO.

2) Professional capacity of candidate (based on items 4 and 5 of the application form)

- a. The designs to be produced under this assignment are considered legally valid only if certified by the company having a valid design license under the law of Federation of Bosnia and Herzegovina. Possession of the valid FBiH license for design in civil engineering (licenca za projektiranje/projektovanje u oblasti niskogradnje), preferably for design of motorways (projektovanje/projektiranje sutoputeva/autocesta), therefore, would be considered **mandatory** for the applicant or at least 1 member of the applicant consortium **at the time of submitting the expression of interest**. No licenses for limited/specific/restricted scope of design would be taken in consideration (e.g. license for tunnel design, or bridge design only).

The candidate would have to demonstrate that other licenses that may be required under the Law of FBiH, such as, but not necessarily limited to construction of high-rise buildings, mechanical engineering, hydro engineering, electrical engineering, and geotechnical investigations, shall be available with partners and/or subcontractors at the time of contract signature.

- b. The candidate shall have at least fifteen (15) staff currently working for the candidate in fields related to this contract;

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

- a. The candidate shall have successfully completed in the 36 months prior to submission deadline main design for **construction** at least a total of 25 km of the full profile motorway(s). Designs for motorway sections not longer than 5.00 km per individual motorway section, designs for rehabilitation/reconstruction/upgrade of motorway sections, and designs for expressways, streets, categorised and non-categorised roads, shall not be taken in consideration as relevant references.

Proportion carried out by legal entity in preparation of the main design of the specific motorway section shall be at least 60%.

The length of motorway section shall be measured as *start point – to – end point* of the respective motorway section, and cannot be subject to a multiple consideration.

Please clearly indicate the date (dd/mm/yy) of completion of the respective motorway design, and the length of the respective motorway section subject to design. Lengths of the relevant motorway sections shall be added, and selection based on the total length, rather than on the number or the cost of such projects.

This means that the project the candidate refers to could have been completed at any time during the indicated period, but it does not necessarily have to be started during that period, nor implemented during the entire period.

If a candidate/tenderer has implemented the project in a consortium/joint venture, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided.

Previous experience which would have led to breach of contract and termination by a Contracting Authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

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.

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 candidates. The only factors which will be taken into consideration during this re-examination are:

- 1) The total length of motorway sections considered relevant as per criterion 21.3.a.
- 2) The total length of motorway sections considered relevant as per criterion 21.3.a in SAA countries at the time of completion of the respective design.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

January 30, 2015, 16:30 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, the format and instructions of which must be strictly observed. The application form is available from the following Internet address: <http://ec.europa.eu/europeaid/prag/annexes.do?group=B>

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 in a sealed envelope:

- EITHER by recorded delivery (official postal service) to:
Procurement Team
Delegation of the European Union to Bosnia and Herzegovina
Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina,
- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:
Procurement Team
Delegation of the European Union to Bosnia and Herzegovina
Skenderija 3a, 71000 Sarajevo, Bosnia and Herzegovina,
Phone: +387 33 254 700
Fax : +387 33 666 037
E-mail: delegation-bih@ec.europa.eu

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 applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. The outer envelope (and the relevant inner envelope if used) 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. Date of publication of prior information notice

02/05/2013 EuropeAid/134411/C/SER/BA

29. Legal basis¹

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

30. Additional information

N/a

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).