

WORKS CONTRACT NOTICE

Construction of Cantonal Court in Bihać Bihać, Federation of BiH, Bosnia and Herzegovina

1. Publication reference

EuropeAid/137-715/DD/WKS/BA

2. Procedure

Local Open

3. Programme title

IPA 2012 National Programme to Bosnia and Herzegovina

4. Financing

BGUE-B2015-22.025100-C8-NEAR DELBIH

5. Contracting Authority

The European Union represented by the European Commission, on behalf of and for the account of Bosnia and Herzegovina.

CONTRACT SPECIFICATIONS

6. Description of the contract

The purpose of this contract is the construction of the new building of Cantonal Court in Bihać located in business zone. The Contractor shall provide complete construction works in accordance with EU procedures, on time, within the budget available and in accordance with the provisions of the contract, design and technical specifications for execution of the respective works.

The building is integrated with in natural slope in order to prevent a big ground excavation. The dimensions of the building are 38,50m x 14,90m having basement, ground floor and 2 upper floors. Net usable area of the building totals approximately 2000 m². The building of the cantonal court will accommodate 1 big and 2 small courtrooms, offices for the judges and administration, archive, storage and other spaces of specific use and common facilities. In addition, 7 parking spaces in the vicinity of the entrance are to be created.

The technical design documentation and valid building permit are provided to the Contracting Authority by the Government of Una-Sana Canton with support of High Judicial and Prosecutorial Council.

7. Number and titles of lots

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 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.

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**.

10. Number of tenders

Tenderers may submit only one tender for the works required. Tenders for parts of the works 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 **17,000 EUR** 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 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) months followed by the 12 (twelve) months of Defects Liability Period.

SELECTION AND AWARD CRITERIA

16. Selection criteria

1. Economic and financial capacity of candidate:

- a) The tenderer must be a registered firm or natural persons and possess license for works under the valid laws at the location of construction works. It shall be mandatory for the tenderer at the time of the offer submission. Copy of the license has to be attached to the offer.
- b) The total turnover in construction works of a sole tenderer or a joint venture/consortium as a whole, during the last three (3) years must be at least 3 M EUR (3 million euro);
- c) In the case of joint venture/consortium the Lead Partner's individual total turnover in construction works in the last three (3) years must be at least 1.5 M EUR (1.5 million euro);
- d) Works in hand in construction of a sole tenderer or a joint venture/consortium as a whole must be at least 1 M EUR (1 million euro);
- e) 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 500.000 EUR (5 hundred thousand euro);
- f) 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 M EUR (1 million euro).

2. Professional capacity of candidates:

- a) The candidate's key personnel must be composed of the following profiles:

1. Project Manager

The Project Manager will coordinate entire contract and will be full time engaged in the project. He/she is to be with the following qualifications:

- shall have an university degree in civil engineering or architecture (*);
- shall possess valid license for works under the valid laws at the location of construction works;
- shall have at least 10 years of experience in construction/ reconstruction/ rehabilitation of the buildings;
- shall have experience as Manager of at least 2 completed construction/reconstruction projects of a similar size and nature in the last 10 years;

- shall be able to fluently communicate and report in English.

2. Site Manager

The Site Manager will manage works on site and will be present on site full time. He/she is to be with the following qualifications:

- shall have an university degree in civil engineering or architecture (*);
- shall possess valid license for works under the valid laws at the location of construction works;
- shall have at least five (5) years of experience as a site manager (i.e. managing construction/ reconstruction/ rehabilitation of the buildings);
- shall have experience as a site manager of construction/ reconstruction/ rehabilitation of buildings in at least 1 project of similar size and nature;

() A level of education which corresponds to completed university studies verified 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.*

3. 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 at least 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 tenderer shall present its experience in implementation, **as a prime contractor**, of at least **1 (one)** completed construction/reconstruction/ rehabilitation project, of similar complexity and nature, over the last **5 (five)** years prior to the tender submission deadline.

The tenderer must present copies of the respective certificate(s) of commissioning, 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

TENDERING

18. How to obtain the tender dossier

An electronic version of the tender dossier is available at the following web page:

http://europa.ba/?page_id=320 and <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

CD with drawings is available free of charge for collection from the following address: Delegation of the European Union to BiH; Contracts, Finance and Audit Section – Procurement, Skenderija 3a, 71000 Sarajevo, BiH. In case that tenderer is not able to collect CD from the premises of the Delegation of the European Union to Bosnia and Herzegovina, CD with drawings could be sent by the courier to the address of the interested party at its own expense.

Tenderers with questions regarding collection of CD with drawings should send them in writing to the fax no. +387 33 218 323 or e-mail: delegation-bih-procurement@eeas.europa.eu

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 http://europa.ba/?page_id=320

19. Deadline for submission of tenders

22 February 2016 at 12:00 Central European Time

Delegation of the European Union to Bosnia and Herzegovina

Skenderija 3a
71000 Sarajevo, Bosnia and Herzegovina

Any tender received by the Contracting Authority after this deadline will not be considered.

20. Tender opening session

22 February 2016 at 15:00 Central European Time

Delegation of the European Union to Bosnia and Herzegovina
Skenderija 3a
71000 Sarajevo, Bosnia and Herzegovina

21. Language of the procedure

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

22. Legal basis¹

Council Regulation (EC) No 1085/2006 of 17.07.2006 establishing an Instrument for Pre-Accession Assistance (IPA) – OJ 210 of 31.07.2006.

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