

SERVICE CONTRACT NOTICE

Design and studies for railway section Doboј - Rasputnica Miljacka

Federation of BiH and Republika Srpska

Bosnia and Herzegovina

EC/BiH/TEN/18/019

1. Publication reference

EuropeAid/139719/DH/SER/BA

2. Procedure

Restricted

3. Programme title

Annual Action Programme for Bosnia and Herzegovina for the year 2017 – Objective 2

4. Financing

BGUE-B2019-22.020102

5. Contracting Authority

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

Clarifications may be sought from the contracting authority at the following email address DELEGATION-BOSNIA-AND-HERZEGOVINA-PROCUREMENT@eeas.europa.eu at the latest 21 days before the deadline for submission of applications stated at the point 23 below.

Clarifications will be published on the website of DG International Cooperation and Development <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> at the latest 5 days before the deadline.

CONTRACT SPECIFICATION

6. Nature of contract

Global price

7. Contract description

The assignment concerns preparation of preliminary and main design and related studies for overhaul / reconstruction / construction interventions on the railway section Doboј - Rasputnica Miljacka on the Corridor Vc of the Trans European Network – Transport (TEN-T).

Specifically, the assignment shall consider, but not necessarily be limited to:

- a. Upgrade of the existing main designs for overhaul of railway sub-sections Doboj – Maglaj and Podlugovi – Rasputnica Miljacka,
- b. Design of overhaul / reconstruction of railway sub-sections Maglaj – Jelina, Jelina - Zenica Freight station – Zenica passenger station, inclusively, and Zenica passenger station – Podlugovi,
- c. Upgrade of the existing main design for existing track of the section Zenica - Rasputnica Miljacka, and design of construction for doubled track along the existing one for sub-section Jelina – Zenica – Podlugovi – Rasputnica Miljacka (note: no conceptual design available for doubled track).

The contractor is expected to deliver, as a minimum:

- Review of compliance of the conceptual design with the relevant legislation and spatial plans,
- Optimisation of alignment, including consideration of connections to adjacent railway sections and collisions with road network,
- Preliminary design for overhaul / reconstruction / construction interventions,
- Extracts of documents for obtaining conformities and permits, where required,
- Feasibility study,
- Environment impact assessment,
- Main design for construction of overhaul / reconstruction / construction interventions,
- Revision of main design,
- Preparation of tender dossier for overhaul / reconstruction / construction intervention,

with an ultimate objective is to enable tendering of works in line with the applicable legislative and regulatory framework of BiH, Federation of BiH, and Republika Srpska, respectively.

8. Number and titles of lots

One lot only

9. Maximum budget

€3,800,000

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 the amount of the price offered under this 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 natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed (see also heading 29 below) .

Participation is also open to international organisations.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries will apply to candidates or tenderers from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom could be rejected from the procurement procedure.

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 (i.e., 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 – 2.6.3.). 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 2.6.10.1. of the PRAG.

Candidates included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

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

August 2019

19. Provisional commencement date of the contract

February 2020

20. Initial period of implementation of tasks

24 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

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 unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

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. The reference period which will be taken into account will be the last three years for which accounts have been closed.

a. Average annual turnover of the candidate for the reference period mentioned above shall be at least 2.5 MEURO.

2) **Professional capacity of candidate** (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last three years from submission deadline.

a) The designs to be produced under this assignment are considered legally valid only if certified by a company(ies) having a valid design licenses under the laws of Federation of BiH and Republika Srpska, respectively.

The candidate (at least 1 member in case of consortium) shall be in a possession of both valid licenses at the time of submitting the application (Federation of BiH and Republika Srpska - the later required for Doboj – Maglaj sub section only), for design in civil engineering (licenca za projektiranje/projektovanje u oblasti niskogradnje), if the license is further restricted than it must be exclusively for design of railways (licenca za projektiranje/projektovanje željeznica).

It is **mandatory** for the candidate to submit copies of originals of the required licences together

with the application. No licenses for limited/specific/restricted scope of design would be taken in consideration (e.g. license for only tunnel design, for only bridge design, for only electrical design...).

The candidate would have to demonstrate that other licenses that may be required under the Law of FBiH and the Law of RS, such as, but not necessarily limited to construction of hydro engineering structures, 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 twenty (20) 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). The reference period which will be taken into account **will be the last five years from submission deadline.**

- a) The candidate has **successfully completed** preliminary and /or main design for **overhaul** ('velika opravka' or equivalent in terms of scope of interventions) / **reconstruction / construction** or of at least a total of 25 km of a full profile **conventional** single track railway for calculated train speed of minimum 80km/h. The candidate shall be able to demonstrate that such designs were developed using standards and procedures in compliance with the EU standards and regulations, specifically Eurocodes and/or the respective standards which have transposed requirements of Eurocodes, and the EBRD / EIB procedures and regulations, namely the EBRD Procurement Policies and Rules (November 2017, or latter if applicable), EBRD Environmental and Social Policy document (2014 or later if applicable) and with relevant EBRD performance requirements PR 1 to PR 10, where applicable.

The following shall not be taken in consideration as relevant references: conceptual designs / preliminary solutions, designs for maintenance interventions of track not considering structural changes of the track, such as partial replacement of the upper body, (rails, sleepers and/or ballast); design of sections shorter than 3km, designs of high speed railways (calculated speed of 160km/h or more), designs of light railways, urban railways, tram systems, metros and similar rail structures, station and industrial tracks only, designs using standards non-compliant to EU standards and procedures incompliant to EIB/EBRD procedures, designs considering only stations, bridges, viaducts, tunnels or other structures.

If a candidate/tenderer has implemented the reference project in a consortium, the percentage that the candidate/tenderer has successfully completed must be at least 60%, and must be clear from the documentary evidence, together with a description of the nature of the services provided and shall comply with the above.

Notes:

- a) *The length of railway section shall be measured as start point – to – end point of the respective continuous section of the railway track.*
- b) *In case that design was done for conventional double track railway section, the respective length of the section to be taken in consideration shall be calculated as length of the one track subject to design plus length of the second track subject to design.*
- c) *In case that both preliminary design and main design were done for the same railway section, the respective length of the section to be taken in consideration*

shall be calculated as a total length of the section subject to preliminary design plus a total length of the section subject to main design.

- d) The date (dd/mm/yy) of completion of the respective railway design and the length of the respective railway sections subject to design shall be fully indicated as selection will be based on the total length of sections, rather than on the number or the value of such projects.*

Project the candidate refers must 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.

Previous experience which caused breach of contract and termination by a contracting authority shall not be used as reference.

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. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderer relies in majority on the capacities of other entities or when they rely 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 for performance of the contract, for example by producing a commitment 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 - notably that of nationality - and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the eight best candidates. The only additional comparative criteria which will be taken into consideration during this re-examination, in the order that they appear below, are:

- a. The total length of railway sections considered relevant as per criterion 21.3.a.
- b. The total length of railway sections considered relevant as per criterion 21.3.a. implemented in countries subject to Stabilisation and Association Process at the time of completion of the respective design.

N.B.: additional comparative criterion b) will be applied only if the number of eligible candidates remains higher than 8 after applying additional comparative criterion a).

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for receipt of applications

The candidate/tenderer's attention is drawn to the fact that there are two different systems for sending applications/tenders: one is by post or private mail service, or by hand delivery.

In the first case, the application/tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip¹, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender which will serve as proof.

1st July 2019 at 16:00 Central European Time

Any application submitted to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

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?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

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 post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

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

- OR hand delivered by the candidate in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be

¹ It is recommended to use registered mail in case the postmark would not be readable.

constituted by this acknowledgement of receipt, to:

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

Opening hours: Monday to Thursday 08:30-17:30; Friday 08:30-14:00

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.

By submitting an application candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the application.

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

June 19, 2018.

29. Legal basis²

Regulation (EU) N°236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II).

30. Additional information

Not applicable.

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² Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).