

SERVICE CONTRACT NOTICE

Conceptual design and preliminary studies for railway on SEETO Route 9a, Tuzla – Zvornik

Location - Western Balkans; Bosnia and Herzegovina: Entity Federation of Bosnia and Herzegovina and Entity Republika Srpska

1. Publication reference

EuropeAid/140880/DH/SER/BA; EU Delegation Ref. EC/BiH/TEN/20/014

2. Procedure

Restricted

3. Programme title

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

4. Financing

B2020-22.020102

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

This assignment concerns preparation of conceptual designs / preliminary solutions and related preliminary studies for overhaul / reconstruction / construction of railway sections on the SEETO Comprehensive Network railway Route 9a: Tuzla - Zvornik and Tuzla - Tuzla International Airport.

The results to be achieved by the contractor shall include, but not necessarily be limited to:

- Railway section (Bosanska Poljana) - Tuzla - Zvornik:
 - i. Preliminary solutions / conceptual designs of overhauling / reconstruction / modernisation,
 - ii. Preliminary studies of overhauling / reconstruction / modernisation, and
 - iii. Technical guidelines and specifications needed for the compilation of Tender dossier for provision of preliminary and main design, and relevant studies for overhaul / reconstruction / construction interventions.

- Railway section Tuzla – Tuzla international Airport:
 - a. Preliminary solutions / conceptual designs of overhauling / reconstruction / modernisation,
 - b. Preliminary studies for overhauling / reconstruction / modernisation, and
 - c. Technical guidelines and specifications needed for compilation of tender dossier for preparation of preliminary and main design and related studies for overhaul / reconstruction / construction interventions.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 480,000

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.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014** and Annex IV of the ACP-EU Partnership Agreement***, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom ****. Those persons and goods are therefore eligible under this call.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

** Regulation (EU) No 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.

*** Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

**** including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

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

July 2019

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November 2020

19. Provisional commencement date of the contract

April 2021

20. Initial period of implementation of tasks

15 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 750,000 EURO.

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 preceding the 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 Entities Federation of BiH and Republika Srpska, respectively.

The candidate (at least for 1 member in case of consortium) shall be in a possession of both valid licenses (Federation of BiH and Republika Srpska, respectively), for design in civil engineering (licenca za projektiranje / projektovanje u oblasti niskogradnje). If the license is further restricted, as it may be if issued in Federation of BiH, e.g., than it must be exclusively for design of railways (licenca za projektiranje / projektovanje željeznica). Both valid licenses are **mandatory** for the candidate (at least for 1 member in case of consortium) **at the time of submitting the expression of interest**, and copies of the required licenses **must be attached** to the application.

No licenses for limited / specific / restricted scope of design will be taken in consideration, nor can replace the required licenses (e.g. license for only tunnel design, for only bridge design, for only electrical design, for only hydro- engineering design...).

Note:

In case of contract award, the candidate shall have to present that other licenses that may be required under the Law of FBiH and the Law of RS (such as, but not necessarily limited to design of civil structures, hydro-engineering structures design, electrical engineering design, geotechnical investigations and similar) are available with consortium 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 preceding the submission deadline**.

- a) The candidate has **successfully completed** projects concerning **conceptual designs / preliminary solutions**, as determined by the respective Laws of Federation of BiH and Republika Srpska, of **overhaul** ('velika opravka' or equivalent in terms of scope of interventions) and / or **reconstruction** and / or **construction** of at least a total of 25 km of a full profile **conventional** railway track. Such railway sections shall be considered eligible and taken in consideration only if designed for calculated train speed of minimum 80km/h and not exceeding 160 km/h, and if each specific section is longer than 3.00 km in continuity.

Note:

The following shall not be taken in consideration as relevant references: designs not compliant with the definition of the design phase of **conceptual design / preliminary solution** as determined by the Laws of FBiH and RS, regardless of wording originally used for the phase of design; designs of maintenance interventions of track (such as partial replacement of the upper body, rails, sleepers and /or ballast, partial interventions on power traction systems and signalling, ...); designs of high speed railways (calculated speed exceeding 160km/h) and narrow gauge railways, design of railways dedicated specifically for passenger traffic, design of light railways, urban railways, tram systems, metros and similar rail structures; designs of station and industrial tracks only; designs considering only stations, bridges, viaducts, tunnels or other structures; design of signalling or traction facilities only, and similar designs of partial interventions.

- b) Relevant designs shall be complemented with studies: preliminary environment impact study/assessment and preliminary feasibility study (both studies are required). These studies may be prepared under the project in reference, or under the other project/contract complementing the project in reference, by the candidate or by another entity. Studies completed out of the referenced period shall not be taken in consideration.
- c) 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 Technical Specifications of Interoperability, and/or the respective standards which have transposed requirements of Eurocodes / TSIs, 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.
- d) 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 that 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:

- i. *The specific reference shall present only section(s) subject to conceptual design / preliminary solution performed by the candidate. References that would include railway sections where the candidate has not performed relevant designs (conceptual design / preliminary solution), if not clearly presenting the actual scope of intervention of the candidate expressed in terms of the length of section subject to relevant design, shall not be taken in consideration.*

- ii. *The length of the specific railway section shall be precisely indicated in the reference as measured as start point – to – end point length of the respective continuous railway section, regardless the number of railway tracks on the section designed.*
- iii. *Passing / main tracks in railway stations shall be treated as a part of a continuous railway section. Side tracks in stations shall not be taken in consideration.*
- iv. *The date (dd/mm/yy) of completion of the respective railway design and the length of the respective railway sections subject to conceptual design / preliminary solution shall be duly 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. If the tender 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, their relative strengths and weaknesses must be re-examined in order to rank their applications and identify the eight best candidates in accordance with point 17 of the contract notice. 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 a. shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion (a), it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion (b) shall be applied only to these tied candidates.

22. Award criteria

Best price-quality ratio.

APPLICATION

23. Deadline for submission of applications

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

In the first case, the application 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 that will serve as proof.

August 31, 2020 at 16:00 Central European Time

Any application sent 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 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

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

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 22, 2020

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

Financial data to be provided by the candidate in the standard application form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of the month and year of the publication of the present contract notice, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

* * *

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