**WORKS CONTRACTNOTICE**

**Construction works on Riverbeds in Municipality of Trgoviste**

**Trgoviste**‑Serbia

1. **Reference**

РД-02-29-95/16.05.2019-T05

1. **Procedure**

Simplified

1. **Programme title**

INTERREG IPA CBC Bulgaria - Serbia

1. **Financing**

The project is financed by the European Union, in accordance with the rules of INTERREG IPA CBC Bulgaria - Serbia programme.

1. **Contracting authority**

Municipality of Trgovište

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

The bed of the river Vucji Do is located on a cadastral plot 2025 according to the regulation plan of the Municipality of Trgoviste. The area of the land where the works are included is 156,40m2. The whole cross border area is exposed to often flood risks, which endangers the river ecosystem and surrounding soil and water natural resources. The goal of this project is preservation and restauration of CBC ecosystems through improvement of the quality of river waters and soils.

The bed of the Prelesjacka river is located on a cadastral plot 13416 – Radovnica, according to the regulation plan of the Municipality of Trgovište. The area of the land where the works are included is 289,00m2. The whole cross border area is affected by often flood risks, which endangers the river ecosystem and surrounding soil and water natural resources. The goal of this project is preservation and restauration of CBC ecosystems through improvement of the quality of river waters and soils.

The bed of the Padiski stream is located on a cadastral plot 2896, 6232 – Kozji Dol, according to the regulation plan of the Municipality of Trgovište. The area of the land where the works are included is 204,00m2. The whole cross border area is exposed to often flood risks, which threaten the river ecosystem and surrounding soil and water natural resources. The goal of this project is preservation and restauration of CBC ecosystems through improvement of the quality of river waters and soils.

The bed of the Ribna river is located on a cadastral plot 11230 – Donji Stajevac, according to the regulation plan of the Municipal Trgoviste. The area of the land where the works are included is 182,00m2. The whole cross border area is exposed to often flood risks, which endangers the river ecosystem and surrounding soil and water natural resources. The goal of this project is preservation and restauration of CBC ecosystems through improvement of the quality of river waters and soils.

1. **Provisional commencement date of the contract**

07.04.2020.

1. **Period of implementation of tasks**

9 months

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

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 17 below). Participation is also open to international organisations. All goods purchased under the contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the breakdown of the lump-sum price (Volume 4.2.3) is below EUR 100 000.

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 and of goods originating from third countries1 will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating1 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, and candidates or tenderers proposing goods originating1 from the United Kingdom could be rejected from the procurement procedure*.*

1However, they may originate from any country when the amount of the supplies to be purchased is below EUR 100 000.

1. **Subcontracting**

**Subcontracting is allowed.**

Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in Section 2.6.10.1.1. (‘exclusion from participation in procurement procedures’) and Section 2.6.10.1.2. (‘rejection from a given procedure’) of the practical guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties up to 10% of the value of the contract and exclusion in accordance with the Financial Regulation in force.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

Tenderers 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.

1. **Number of tenders**

Tenderers may submit only one tender. Tenders for parts of the works will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

1. **Information meeting and/or site visit**

### A mandatory site visit will be organized at the future construction sites on March 09th, 2020, however, the gathering of the interested tenderers will take place at the premises of the Municipality of Trgoviste, Kralja Petra Prvog 1, 17525 Trgovište, Republic of Serbia, on March 09th, 2020 at 08:00 hours.

### A site visit is compulsory, so potential tenderers are strongly advised and obliged to inspect both locations of the works and their surroundings for the purpose of assessing, at his own responsibility, expense and risk, factors necessary for the preparation of tenders and signing the contracts for the works.

NOTE: Only Tenderers that have been participating to the mandatory site visit will be eligible for submitting a tender. For consortiums : it is acceptable that only one or more members of the consortium poses site visit certificate.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

### In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

***14.a Economic and financial capacity of candidate:***

**-** the average annual turnover of the tenderer in the past 3 years for which the accounts are closed must be at least of contract value.

***14.b Technical and professional capacity of candidate:***

***- it must have at least 1 completed construction contract implemented for public authority being contracting authority, of at least of the offer/contract value, during the past 5 years from the submission deadline***

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit proofs of implemented works/contracts during the past 5 years, in the form of copies of certificates of satisfactory execution or certificates of final acceptance, issued and signed by the supervisors/relevant contracting authority or entity who ordered or purchased the works, specifying whether they have been carried out in a professional manner and have been fully completed.

This means that the contracts could have been completed at any time during the indicated period, but it does not necessarily have to be started and completed during that period, nor implemented during the whole period. Tenderers are allowed to refer either to contracts completed within the reference period (although started earlier) or to contracts started and completed during the reference period. In all cases, the contracts will be considered in its whole.

These documents shall clearly demonstrate the compliance of the presented references with the above criteria and prove that tenderer has at least 1 completed construction contract implemented for public authority being contracting authority, of at least of the offer/contract value, during the past 5 years from the submission deadline

The Contracting Authority reserves the right to check the accuracy and validity of the information given by the tenderers in relation to reference contracts.

***- it must have at least 1 completed contract of   
rehabilitation of public watercourses by algo technology implemented during the past 5 years from the submission deadline.***

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit proofs of implemented contract(s) during the past 5 years, in the form of copies of certificates of satisfactory execution or certificates of final acceptance, issued and signed by the supervisors/relevant contracting authority or entity who ordered or purchased the works, specifying whether they have been carried out in a professional manner and have been fully completed.

This means that the contracts could have been completed at any time during the indicated period, but it does not necessarily have to be started and completed during that period, nor implemented during the whole period. Tenderers are allowed to refer either to contracts completed within the reference period (although started earlier) or to contracts started and completed during the reference period. In all cases, the contracts will be considered in its whole.

These documents shall clearly demonstrate the compliance of the presented references with the above criteria and prove that tenderer has at least 1 completed contract of   
rehabilitation of public watercourses by algo technology implemented during the past 5 years from the submission deadline.

The Contracting Authority reserves the right to check the accuracy and validity of the information given by the tenderers in relation to reference contracts.

**-** ***it must have at least 2 staff members, full or part time contracted with the Tenderer, with appropriate technical education and a degree in Civil engineering or equivalent, able to perform work of the Site Manager, having at least 2 years professional experience with proven qualifications in civil engineering or site management, proficient in the official language of the country of implementation (Serbian), with an appropriate and valid certificate/license for the execution of works (license no. 410, 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia) in accordance with the legislation of the Republic of Serbia.***

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

**-** tenderer is obliged to submit copies of employment contracts or temporary service agreement with the key experts (engineers able to perform work of the site manager), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.),

**-** tenderer is obliged to submit copies of relevant diplomas for the key experts (engineers able to perform work of the site manager), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.),

**-** tenderer is obliged to submit copies of relevant certificates/licenses for the execution of works for engineers in accordance with Serbian legislation (license no. 410, 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.**)**.

**-** ***it must possess at least: 3 (three) dump trucks with a load capacity of at least 20 tonnes, 3 (three) excavators or backhoe loaders with at least 70kW engine power, and 1 (one) concrete mixer truck***.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit a copies of vehicles registration certificates and of an inventory list of fixed assets or the accounts purchases or a purchase invoice, in case that machines are owned or recently bought by the tenderer. If the tenderer do not own machines, it is obliged to provide a statement in a free form, that the equipment rental contract will be signed with the renter after signing contract for the execution of works and the equipment rental agreement together with copies of vehicles registration certificates after signing contract for the execution of works. Proof documents must be provided as an annexto the Form Plan - a list of plant/equipment/machines for execution of the contract

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 notbe 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.

Financial data to be provided by the tenderer in relation to the selection criteria must be expressed in EUR/RSD.

1. **Award criteria**

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

**TENDERING**

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in Section 2.5.6. of the practical guide.**

1. **Legal basis[[1]](#footnote-1)**

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 and COMMISSION IMPLEMENTING REGULATION (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II).

Commission Decision C (2015) 5444 adopting INTERREG IPA Cross-border Cooperation Programme Bulgaria – Serbia

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.12. of the practical guide.

1. **Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematicor long/short term). [↑](#footnote-ref-1)