
WORKS CONTRACT NOTICE

Works on the regulation and recovering of the river bed on the river Kamišina in Mokra Gora (Užice) and on the regulation of the river Rača in Bajina Bašta municipality

City of Užice and Municipality of Bajina Bašta, Republic of Serbia

1. Publication reference

2017/387-271/TD10

2. Procedure

Local open

3. Programme title

Cross-Border Programme Serbia – Bosnia and Herzegovina under the Instrument for Pre-Accession Assistance (IPA), Component II, allocations for 2012 and 2013, EuropeAid/136472/DD/ACT/Multi.

Project: "Flood Defence System in Cross-border Area Serbia - Bosnia and Herzegovina"

4. Financing

Financing agreement. The project is co-financed by the European Union, in accordance with the rules of Cross-Border Programme Serbia – Bosnia and Herzegovina under the Instrument for Pre-Accession Assistance (IPA), Component II programme. Budget line 6. Other, 6.1. Works on the regulation and recovering of the riverbed on the river Kamišina in Mokra Gora (Užice) and budget line 6. Other, 6.2. Works on the regulation of the left riverbank of the river Raca in Bajina Basta municipality.

5. Contracting Authority

City of Užice

52 Dimitrija Tucovića Street,

31000 Užice, Republic of Serbia

CONTRACT SPECIFICATIONS

6. Description of the contract

The subject of this contract is engagement of contractor for construction works in the basin of the river Kamišina which caused great damages on water supply systems, sewage collectors, bridges, roads and tourist sites in Mokra Gora during the past years and construction works in the basin of the river Rača that damaged water supply system, electrical installations, the local road, agriculture land and fish ponds in the municipality of Bajina Bašta. In order to reduce the risk of flooding and damages from floods and

prevent future outflows, execution of the works on the rivers Kamišina and Rača will comprise of a group of various types of recovery and reconstruction interventions in several locations along the river flows. Planned works on the river Kamišina include: preparatory works, ground works, concrete works, reinforcement works, biotechnical works and masonry works. Planned works on the river Rača include: preparatory works, ground works, concrete works and other works, in order to regulate the flow of the river Rača and prevent future torrents by building a dam.

7. Number and titles of lots

The works are divided in 2 (two) lots.

LOT1: Works on the regulation and recovering of the Kamišina riverbed in Mokra Gora (Užice)

LOT2: Works on the regulation of the river Rača in Bajina Bašta municipality

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 per lot. Tenders for parts of a lot 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 for more than one lot. 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

No tender guarantee is required.

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 10 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

A mandatory site visit will be organised at the future construction sites by the Kamišina and Rača rivers on July 27th, 2018, however, the gathering of the interested tenderers will take place at the premises of the City of Užice, 52 Dimitrija Tucovića Street, 31000 Užice, on July 27th, 2018 at 14:00 hours.

Potential tenderers are obliged to confirm their attendance in writing to the aforementioned address or via e-mail: fds.srb-bih@uzice.rs or by fax: 031/510-098 and to submit confirmation authorization letter for the person(s) who will be appointed to the site inspection on behalf of the Company (powers of attorney of similar form of authorization letter signed by legally empowered signatories representing your Company) in order to certify their signature(s). As proof of participation, tenderers will receive a confirmation of their site visit in a form of a certificate of their site visit.

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.

In accordance with a principle of equal treatment, the Contracting Authority can not organize another site visit or site visits on individual basis. However, companies which might not be present during the site visit are allowed to be subcontractors or members of a joint venture/consortium (but not a lead member) with other companies which attended compulsory site visit.

Companies whose representatives attended site visit on 27th April 2018, within the tender procedure with ref. no: 2017/387-271/TD06 which was later cancelled, may attend site visit once again, but are not obliged.

NOTE: Only Tenderers that have been participating to the mandatory site visit will be eligible for submitting a tender.

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

All works within LOT1 and LOT2 must be implemented in a period of 9 (nine) months from contract signature until the provisional acceptance.

SELECTION AND AWARD CRITERIA

16. Selection criteria

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. This must be provided by tenderers using the forms described in 12.1 in Instruction to tenderers and any additional forms tenderers may wish to use.

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

The selection criteria for tenderers are as follows:

1) Economic and financial capacity of candidate:

1.1) The average annual overall turnover of the last three financial years (2017, 2016 and 2015) must be at least 47.673.480,00 RSD (or EUR 400,000.00¹ if the tenderer is registered in the country other than Serbia) for tenderers applying to a single lot, and at least 95.346.960,00 RSD (or EUR 800,000.00 if the tenderer is registered in the country other than Serbia) for tenderers applying to both lots.

In the case that offer is submitted by a joint venture/consortium, the lead member of a joint venture/consortium must be able to carry out at least 50% of the contract works using its own financial means, which means that the lead member of a joint venture/consortium must have at least 50% of the required average annual turnover.

Documentary evidence of financial and economic standing:

- tenderer is obliged to provide copies of balance sheets and income statements (profit and loss account) for the last 3 years for which accounts have been closed (2017, 2016 and 2015), as a documentary proofs of financial and economic standing.

2) Technical and professional capacity of candidate:

2.1) it must have completed or have under completion at least 1 contract of similar nature and complexity as the works concerned by the tender (river-flow regulation or reconstruction of the riverbed or riverbed cleaning or construction/reconstruction of the stone riverbed/riverbank coverings) implemented during the past 3 years from the submission deadline, 24th September 2018. That means that the contracts the tenderer refers to, could have been started/implemented/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 entire period.

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

¹ Payments under this contract will be made in the currency of the tender.

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

- tenderer is obliged to submit proofs of implemented works/contracts during the past 3 years, (until 24th September 2018) 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 or are under completion.

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 have completed or is under completion of at least 1 contract of similar nature and complexity as the works concerned by the tender and implemented (river-flow regulation, reconstruction of the riverbed, riverbed cleaning, construction/reconstruction of the stone riverbed/riverbank coverings), implemented during the past 3 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.

2.2) it must have completed or have under completion at least 1 contract for the execution of works, financed from IPA project/funds and implemented during the past 3 years from the submission deadline, 24th September 2018. That means that the contracts the tenderer refers to, could have been started/implemented/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 entire period.

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 3 years, (until 24th September 2018) in the form of copies of signed contracts together with the 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 or are under completion.

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 have completed or is under completion of at least 1 contract for the execution of works, financed from IPA project/funds, implemented during the past 3 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.

2.3) it must have at least 50 employees, full or part time contracted with the Tenderer, of which at least 3 employees 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, 413, 414 or 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, 413, 414 or 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.).

- tenderer is obliged to submit copies of corresponding documents as a proof of employment of 50 persons (Statistical annex in Serbia or documents with official data on the business performance issued by relevant institutions in other countries)

2.4) is certified against the ISO 9001, ISO 14001 and OHSAS 18001 standards respectively related to quality management system, environmental management system and health and safety management system

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 valid certificates of conformity to the standards ISO 9001, ISO 14001 and OHSAS 18001, issued by relevant international or domestic bodies and valid in the moment of tender submission. If submitted certificates are not valid in the moment of tender submission, the tenderer must deliver verification from the relevant certification body that certification or recertification is in progress.

2.5) it must declare that it will have at least 1 person responsible for occupational health and safety at workplace or will engage the relevant agency registered for conducting occupational safety and health at work after signing contract on execution of the works.

During the execution of works, person(s)/agency responsible for occupational health and safety at workplace must comply with conditions stipulated by the investor and coordinator for health and safety at workplace in line with the plan on preventive measures for OHS prepared in accordance with the Serbian Occupational Safety and Health Law and other relevant laws and legal provisions.

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 declaration/statement that it will appoint at least 1 person responsible for occupational health and safety at workplace or will engage the relevant agency registered for conducting occupational safety and health at work after signing contract on execution of the works. Declaration/statement may be submitted in a free form.

2.6) 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 annex to the Form Plan - a list of plant/equipment/machines for execution of the contract (Volume 1, section 4, form 4.6.2.).

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 (the technically compliant tender with the lowest price).

TENDERING

18. How to obtain the tender dossier

The tender dossier is available in the electronic format at the following webpages:

The advertisement for local publication is published in the Official Gazette of the Republic of Serbia and tender dossier is available on the City of Užice and Municipality of Bajina Basta websites, at: <http://uzice.rs/clanci/objave/> and <http://bajinabasta.rs/javne-nabavke/>

It is also available for inspection at the premises of the Contracting Authority, address as in point 5 above. 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:

City of Užice, M r. Aleksandar Tasić
52, Dimitrija Tucovića Street, 31000 Užice
Fax No: 031/510-098
E-mail: fds.srb-bih@uzice.rs

mentioning the publication reference shown in item 1: 2017/387-271/TD10 and lot number, at least 21 days before the deadline for submission of tenders given in item 19 (not later than 03.09.2018, till 16:00 hrs).

The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders (not later than 12.09.2018, till 16:00 hours).

Eventual clarifications or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline at the websites of the City of Užice and the Municipality of Bajina Basta: <http://uzice.rs/clanci/objave/> and <http://bajinabasta.rs/javne-nabavke/>

19. Deadline for submission of tenders

24th September 2018, before 14:00 hours.

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

20. Tender opening session

24th September 2018, at 14:15 hours at the venue of the City of Užice, premises of the City Development Center, NN Petra Čelovića Street, 31000 Užice.

21. Language of the procedure

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

22. Legal basis²

Instrument for Pre-Accession Assistance (Council Regulation (EC) N° 1085/2006 – OJ L 210/82 of 31.7.2006);

Cross-Border Programme Serbia – Bosnia and Herzegovina under the Instrument for Pre-Accession Assistance (IPA), Component II, allocations for 2012 and 2013, EuropeAid/136472/DD/ACT/Multi.

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