

SERVICE CONTRACT NOTICE

Design and construction of WWTP and sewerage system in Municipality of Berane – Review of the Main design and Supervision of works

Please note that the awarding of the contract is subject to the condition of the “suspension clause”: adoption of the financing decision and/or conclusion of the financial agreement between the European Commission and the beneficiary country, which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

1. Publication reference

EuropeAid/137085/IH/SER/ME

2. Procedure

Restricted.

3. Programme title

“Regional Development” Programme 2012-2013 under Instrument for Pre-Accession Assistance (IPA).

4. Financing

Financing agreement concerning the “Regional Development” Programme under the Instrument for Pre-Accession Assistance 2012-2013.

5. Contracting Authority

Directorate of Public Works, Novaka Miloševa 18, 81000 Podgorica, Montenegro.

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based.

7. Contract description

The contract aims at reviewing the Main design for the WWTP in Berane and at supervision of the construction works for the WWTP and the sewerage system in Berane. The design and the works will be subject of a different contract, divided in two lots, as described below.

Lot 1: The contract will include design, construction, commissioning and operation, during Trial Operation Period of 6 months and during Defect Notification Period (DNP) of 12 months, of the complete and fully functional Wastewater Treatment Plant (WWTP) Berane. Design shall be prepared for final capacity of the plant of 27,000 PE, while construction works will include only the Phase I of the WWTP of 20,000 PE. The contract will be implemented as per FIDIC Conditions of Contract for Plant and Design-Build Contract (Yellow Book), First Edition, 1999.

Lot 2: The Works Contract includes construction of wastewater collection system including 21 km sewer mains, sewer manholes, river crossing and 1.4 km of storm-water collectors. The contract will be implemented as per FIDIC Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer, (Red Book), First Edition 1999.

The Contractor (who will also act as FIDIC Engineer) is expected to perform Official Review (Technical Control) of the Main Design (which will be developed by the Contractor for Lot 1) and to administer/supervise the Works Contract(s) for Lot 1 and Lot 2 in order to ensure its quality, cost-effective and timely completion.

8. Number and titles of lots

No, one lot only

9. Maximum budget

615.000 EUR

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 a maximum not exceeding the length and value of the initial 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 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.

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- 2.4.3.). 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 2.3.3 of the PRAG.

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

7th September 2015

19. Provisional commencement date of the contract

4th December 2015

20. Initial period of implementation of tasks

45 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

Same criteria for legal and natural persons.

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:

- 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.

Criteria for legal and natural persons:

- a) Minimum average annual turnover for consulting services in the last 3 closed financial years cannot be lower than **EUR 500.000** (five hundred thousand Euro).

In the case of consortium, the consortium as a whole must satisfy the minimum qualifications required. The consortium leader must meet at least 50 % of the requirement. Each member of the consortium must meet at least 10% of the requirement.

- b) The ratio current assets/current liabilities = 1.

Evidence: The above requirements should be demonstrated by audited financial statements (balance sheet, profit & loss statement, cash flow statement) of the tenderer for the last 3 financial years, which were audited by a Certified Public (Sworn)/Chartered accountant/auditor.

2) Professional capacity of candidate (based on items 4 and 5 of the application form)

Criteria for legal and natural persons:

- a) The tenderer must be a registered firm or natural person legally capable of carrying out the specified services; in case of a Joint Venture or consortium, this requirement applies to all members of the Joint Venture or consortium.
- b) The tenderer must have at least 7 permanent staff currently working for the candidate in fields related to this contract.
- c) At the moment of tender submission, the Tenderer shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which he is established (or equivalent) for performance of the assignment (Design Review and Supervision). For the purpose of tender evaluation, legal requirements must be respected from every member of a consortium while for professional licence only one member is sufficient to have it. At the latest on the Commencement Date the Tenderer will have to possess a professional licence(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro (all related costs, both for the legal body as well as the contractors personnel, shall be included in the Contract Price). This includes but is not limited to:
- *Law on spatial development and construction of structure (Official Gazette of Montenegro, No. 51/08, with addenda);*
 - *Law on health and safety at work (Official Gazette of Montenegro no. 79/04 and Official Gazette of Montenegro no. 26/10, 40/11, with addenda).*
 - *The applicable rulebook on licensing of foreign entities is "Rulebook on the conditions and manner of validation and cancelation of the licence for foreign bodies" (Official Gazette of Montenegro no. 79/04 and Official Gazette of Montenegro no. 68/08, 33/11), [Pravilnik o uslovima i načinu ovjeravanja i poništavanja ovjere licence stranog lica" ("Sl. list Crne Gore", br. 68/08 od 12.11.2008, 33/11 od 08.07.2011)¹], with addenda (if any).*

More information can be found at the following links: <http://www.atcg.co.me/cg/> , or at:

¹ Available at:

http://www.ingkomora.me/ikcg_sajt/cms/public/image/uploads/Pravilnik_o_uslovima_i_nacinu_ovjeravanja_i_ponistavanja_ovjere_licence_stranog_lica.pdf

3) **Technical capacity of candidate** (based on items 5 and 6 of the application form)

Criteria for legal and natural persons:

- a) The Candidate (individual company or JV/Consortium) has successfully completed at least 1 (one) supervision contract, including supervision of the works on the WWTP with a minimum capacity of 20.000 PE, during the 3 years period prior to the submission deadline.

and

- b) The Candidate (individual company or JV/Consortium) has successfully completed at least 2 (two) supervision contract for supervision of the works on the sewerage network and/or water supply network during the 3 years period prior to the submission deadline. Both contracts should be supervision of works for the construction of sewerage network and/or water supply network in the minimum length of 10km for each contract.

The above services can be part of one unique or 2 separated contracts.

and

- c) Supervisor/Engineer of at least 1 FIDIC Yellow Book contract relevant to the realization of WWTP during the 3 years period prior to the submission deadline. The contract shall be successfully completed or ongoing (minimum level of completion of 60% calculated on the service contract value).

One individual contract, that covers both fields of expertise requested under 3.a) and 3.c) will be counted as two separate referent projects that comply with both 3.a) and 3.c) criteria.

and

- d) Supervisor/ Engineer of at least 1 FIDIC Red Book contract relevant to the realization of a sewerage network during the 3 years period prior to the submission deadline. The contract shall be successfully completed or ongoing (minimum level of completion of 60% calculated on the service contract value).

(The project the candidate 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. The candidate may refer to a part of a project where the contract is not yet completed, but then only the part which is successfully completed may be used as reference and the candidate needs to be able to submit documentary evidence of this part's successful completion, e.g. a statement from the entity which ordered or purchased the service, a copy of contract, approval of progress report, project deliverables, proof of payment of interim/final invoices, etc.)

One individual contract, that covers both fields of expertise requested under 3.b) and 3.d) will be counted as two separate referent projects that comply with both 3.b) and 3.d) criteria.

The requirements in 3.c) and 3.d) can be fulfilled as separate contracts or in relation with the requirements set in 3.a) and/or 3.b) above

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. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking 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 and notably that of nationality, as the economic operator.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- (i) the total number of the reference projects found eligible in criteria 3.a) and 3c);
- (ii) in case of competition between 2 or several applicants having the same number of relevant projects, the sum of the value of the proportions carried out by the legal entity in the respective projects will prevail.

Note: (i) is applied firstly and then (ii) is applied in the case where 2 or more candidates have the same number of the eligible projects for (i). For transparency, **candidates must in addition to “%” also insert the corresponding numerical value in col. 4** (Proportion carried out by legal entity (%)) of Section 6 of the shortlist application form.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

16:00 hrs Central European Time on 17th August 2015

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

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?group=B>

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 recorded delivery (official postal service) to:

Directorate of Public Works, Montenegro

Novaka Miloseva 18

81000 Podgorica

Montenegro

- OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Directorate of Public Works, Montenegro

Novaka Miloseva 18

81000 Podgorica

Montenegro

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.

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

6th May 2015, The prior information notice is published on the EuropeAid website:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> (Notice number: EuropeAid/137085/IH/SER/ME) on the Directorate of Public Works - Montenegro website www.djr.gov.me/direkcija, and on the Ministry of Sustainable Development and Tourism www.mrt.gov.me

29. Legal basis²

- Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA);
- Commission Regulation (EC) No. 718/2007 of 12 June 2007 implementing

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

Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA) and

- Commission Regulation (EU) No 80/2010 of 28 January 2010 amending Regulation (EC) No 718/2007 implementing Council Regulation (EC) No 1085/2006 establishing an instrument for pre-accession assistance (IPA)

30. Additional information

This tender is subject to the “suspension clause”: adoption of the financing decision and/or conclusion of the financial agreement between the European Commission and the beneficiary country.