
WORKS CONTRACT NOTICE

Construction of the Sewage Network and Waste Water Treatment Plant (WWTP) in the Municipality of Berane

Location – Berane, Montenegro

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/136869/IH/WKS/ME

2. Procedure

Open

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 SPECIFICATIONS

6. Description of the contract

Lot 1: The contract will include complete engineering design and construction of new WWTP for the Town of Berane. The treatment process is to be based on activated sludge process with biological nitrification/de-nitrification and simultaneous aerobic stabilization of sludge. The first phase of the treatment plant is planned to serve to 20,000 p.e. with the second phase serving to 27,000 p.e. This Contract includes:

- the design of WWTP for capacity of the Phase II
- construction of preliminary and sludge treatment facilities capacity of 27,000 p.e.
- construction of biological treatment facilities, capacity of 20,000 p.e.
- construction of discharge pipeline

This Lot will also cover start-up of the plant, commissioning, operational training of the End Recipient’s personnel and hand-over to the Municipality of the complete functional wastewater

treatment plant.

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, from DN 200mm – DN 500mm, , sewer manholes, River crossing with regulation of River bed along the crossing and 1.4 km of storm-water collectors.

Rehabilitation measures include: replacement of hydraulically undersized main collectors with bigger diameters, separation of combined sewer network and reconnection.

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

7. Number and titles of lots

Yes, the number of lots: 2 (two)

01 - Design and Construction of the Wastewater Treatment Plant in the Municipality of Berane (WWTP Berane);

02 - Rehabilitation and Construction of the Sewerage Network in Berane

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

Tenderers must provide a tender guarantee of **(For LOT 1: EUR 120,000; For LOT 2: EUR 90,000)** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer(s) upon signature of the contract by all parties.

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 30 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 information meeting and site visit will be held on 27th August 2015. The site visit will start in the premises of the Municipality of Berane at the following address: IV Crnogorske broj 1 at 11:00 hrs. After the site visit is completed the information meeting will be organized. The tenderers shall confirm their intention to participate in the meeting and site visit at least 4 (four) days before the scheduled date. Contact details to confirm attenders are:

Directorate of Public Works,

Address: Novaka Miloseva 18, 81 000 Podgorica, Montenegro

Fax: +382 20 230 228

e-mail: djr@gov.me

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

1. For Lot1: 30 months for works including Trial Operation Period of 6 months
 - Defects Notification Period (DNP) of 12 months;
2. For Lot2: 20 months for works
 - Defects Notification Period (DNP) of 12 months.

SELECTION AND AWARD CRITERIA

16. Selection criteria

Economic and financial capacity of candidate:

- Minimum average annual turnover for construction works in the last 3 financially closed years cannot be lower than: **For Lot 1: EUR 14 million; For Lot 2: EUR 12 million.** If the Tenderer applies for both Lots, the requirement is cumulative (if the cumulative requirement is not met, the Tenderer will be awarded the contract for one Lot only, taking into consideration the most favorable overall solution for the Contracting Authority, as per 11.2.3 of the ITT).

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.

Evidence: The above requirements should be demonstrated by audited financial statements of the tenderer for the last 3 financial years, which were audited by a Chartered accountant/auditor.

- The tenderer shall demonstrate, by a bank statement that, he has available or has access to lines of credit or any other credit facilities sufficient to meet the construction cash flow (other than pre-financing) for the duration of the contract of not less than (**For Lot 1: EUR 1.5 million; For Lot 2 EUR 1.2 million**) in addition to the tenderer's commitments for other contracts.

The consortium as a whole must satisfy the minimum qualifications required.

Evidence: Tenderer may provide evidence of access to credit facilities by submitting a Letter of Intent from its commercial bank, stating that the bank is ready to approve a loan to the Tenderer in the value of not less than (**For Lot 1: EUR 1.5 million; For Lot 2 EUR 1.2 million**); in the case the Tenderer is awarded the contract. The statement must be provided by a reputed bank of good standing and it shall clearly demonstrate that the credit facility is available specifically for this project.

Technical and professional capacity of candidate:

The tenderer shall present evidence on:

For LOT 1 – Design and construction of the Wastewater Treatment Plant in the Municipality of Berane (WWTP Berane):

- a) The tenderer (*in the case of consortium, the consortium as a whole must satisfy the minimum requirement*) must have completed as a prime contractor (lead company in a Consortium) at least **2** works contracts for the construction of WWTP cumulative value of EUR 7,000,000 (seven million) of which minimum one of 20.000 population equivalent (p.e.) with SBR (Sequencing Batch Reactors) technology over the last 5 years prior to the submission deadline.

The contract is considered completed if at least taking over or equivalent certificate is issued by a competent authority (Employers, Contracting Authorities, Clients or Engineers) clearly indicating the date of successful completion.

Tenderers must submit such a certificate signed by the competent authority for the project concerned.

- b) The tenderer (*in the case of consortium, the consortium as a whole must satisfy the minimum requirement*) must have completed as a prime contractor (lead company in a Consortium) at least 2 contracts comprising the detailed design of WWTPs for minimum 20.000 population equivalent (p.e.) with SBR (Sequencing Batch Reactors) technology over the last 5 years prior to the submission deadline.

The contract is considered completed if at least taking over certificate or equivalent certificate is issued by a competent authority (Employers, Contracting Authorities, Clients or Engineers) clearly indicating the date of successful completion/acceptance of the detailed design.

Tenderers must submit such a certificate signed by the competent authority for the project concerned.

An individual contract submitted, that covers both fields of expertise (*requested under a) and b) - Technical and professional capacity of candidate*), will be counted as two separate projects that complies with both: a) and b) criteria.

- c) The tenderer must be a registered firm or natural person legally capable of carrying out the specified works (*in the case of a consortium, this requirement applies to all members of the consortium*).
- d) 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 the execution of the construction works. 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 moment of Contract signing (or the latest on the Commencement Date), the Contractor will have to be

accredited (authorised) and registered in accordance with the relevant legislation of Montenegro. 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);*

- *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)], with addenda (if any).*

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

e) Tenderer's key personnel appropriate qualifications, skills and experience as follows:

Project Manager – Contractor's Representative

Qualifications and skills

University degree in Engineering. Fluency in written and spoken English (i.e. corresponding to level 1 in form 4.6.1.3)

General professional experience

Minimum 10 years of experience in the water field

Specific professional experience

Must have worked in at least 2 completed contracts/projects as Project Manager for the construction/reconstruction/extension/modernisation of WWTP with minimum capacity of 20.000 p.e., based on design & build contract, governed by the FIDIC Conditions of Contract, or comparable contract conditions.

Site Manager

Qualifications and skills

University degree in Engineering. Fluency in written and spoken English (i.e. corresponding to level 1 in form 4.6.1.3)

General professional experience

Minimum 10 years of experience in the water field

Specific professional experience

Must have worked in at least 2 completed contracts/projects as Site Manager/Project Manager for construction/ reconstruction/ extension/ modernisation of a WWTP with minimum capacity of 20.000 p.e., based on design & build contract, governed by the FIDIC Conditions of Contract, or comparable contract standard.

Process Design Engineer

Qualifications and skills

University degree in Engineering. Fluency in written and spoken English (i.e. corresponding to level 1 in form 4.6.1.3)

General professional experience

Minimum 7 years of experience in the water field

Specific professional experience

Must have worked as main Process Design Engineer and must have developed at least 2 completed designs of WWTPs minimum capacity of 27.000 p.e. each, including secondary (biological) treatment with nutrient removal) (one contract must have included Sequencing Batch Reactors – SBR technology).

- Tenderer shall also provide names and qualification details of the following Experts who shall be engaged in the implementation of the contract: **Civil Hydraulic Expert, Mechanical Engineer, Electrical Engineer, Architectural Engineer, Civil Engineer-Structure, Geodetic Surveyor, Geotechnical Engineer, SCADA-Automatic Control Engineer and any other expert considered necessary by the tenderer.**

Note: At the moment of tender submission, the Expert(s) shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which he/she is located, or equivalent, for performance of his/her profession. At the moment of Contract signing (or the latest on the Commencement Date) the Expert will have to possess a professional licence(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro. This includes but is not limited to:

- *Law on spatial development and construction of structures, 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);*
- *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)], with addenda (if any).*

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

For the purpose of this tender (Lot1), design and construction of a municipal Waste Water Treatment Plant is considered as valid professional experience for the tenderer or for the key personnel if it is within a scope and complexity equivalent to the new construction required in Employer's Requirements of this Tender Dossier.

For LOT 2 - Construction of the Sewerage Network in Berane:

- a) The tenderer (*in the case of consortium, the consortium as a whole must satisfy the minimum requirement*) must have completed as a prime contractor (lead company in a Consortium) works contracts of the same nature, over the last 5 years prior to the submission deadline with its own resources:
 - At least 2 (two) water supply and/or wastewater / storm water (dam and irrigation projects will not be accepted) construction projects, each with a minimum value of 3,000,000 EUR or equivalent;
 - At least 1 (one) works contracts containing at least 15 km long pipeline construction (similarity will be based on water supply, waste water, storm water), but 15 km pipeline should be in a single contract.

An individual contract submitted, that covers both fields of experience above, will be counted as two separate referent projects that comply with both criteria.

The contract is considered completed if at least taking over certificate is issued by a competent authority (Employers, Contracting Authorities, Clients or Engineers) clearly indicating the date of successful completion.

Tenderers must submit such a certificate signed by the competent authority for the project concerned.

- b) The tenderer must be a registered firm or natural person legally capable of carrying out the specified works (*in the case of a consortium, this requirement applies to all members of the consortium*).
- 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 the execution of the construction works. 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 moment of Contract signing (or the latest on the Commencement Date), the Contractor will have to be accredited (authorised) and registered in accordance with the relevant legislation of Montenegro. 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);*

- *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)], with addenda (if any).*

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

- d) Tenderer's key personnel appropriate qualifications, skills and experience as follows:

Project Manager - Contractor's Representative:

He/She will manage the contract and act as the contractor's representative according Clause 4.3 of General Conditions of Contract be present on site full time during construction and upon call during DNP. He/She shall:

- possess a university degree in civil engineering, or other relevant technical discipline;
- have at least 10 years of professional experience in civil engineering, or other relevant technical discipline;
- possess proven experience of having at least two (2) successfully completed projects under FIDIC Contract Conditions on the position of Contractor's Representative or Project Manager
- have at least 3 years of professional experience in sewerage collection projects, related to the construction, supervision and/or management of at least one project value above 3,000,000.00 €
- possess a high level of English (i.e. corresponding to level 1 in form 4.6.1.3);

If the Tenderer applies for both Lots, in addition to aforesaid, the Contractor's Representative must have worked in at least 2 completed contracts/projects for the construction/reconstruction/extension/modernization of WWTP with minimum capacity of 20.000 p.e., based on design & build contract, governed by the FIDIC Conditions of Contract, or comparable contract conditions.

Site Engineer for the sewerage network:

He/She shall be in charge of the execution of the sewerage network and be present on site full time. He/She shall:

- possess a university degree in civil engineering;
- have at least 10 years of professional experience in civil engineering;
- have at least 5 years of professional experience in site management of sewerage networks;
- possess a good level of English (i.e. corresponding to levels 1, 2 or 3 in form 4.6.1.3).

Note: At the moment of tender submission, the Expert(s) shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which he/she is located, or equivalent, for performance of his/her profession. At the moment of Contract signing (or the latest on the Commencement Date) the Expert will have to possess a professional licence(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro. This includes but is not limited to:

- Law on spatial development and construction of structures, 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)

- 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)], with addenda (if any).

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

Unless otherwise stated above, for the purpose of this tender LOT2 - Construction of the Sewage System in the Municipality of Berane, the experience is considered as valid professional experience for the tenderer or for the key personnel if it is within a scope, nature and complexity at least equivalent to those required in the technical specifications (Employer's Requirements) of this Tender Dossier (for LOT2).

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

For LOT 1:

The contract will be awarded to the administratively and technically compliant tender, whose whole life cost is the lowest (the whole life cost is equal to the investment cost + 14 guaranteed yearly operational costs).

For LOT 2:

The sole award criterion will be price. The contract will be awarded to the lowest compliant tender.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. It is also available from the Contracting Authority website: www.djr.gov.me/direkcija and on the Ministry of Sustainable Development and Tourism website www.mrt.gov.me. 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 [djrgov.me](mailto:djr@gov.me) (mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>, on the Directorate of Public Works - Montenegro website www.djr.gov.me/direkcija and on the Ministry of Sustainable Development and Tourism website www.mrt.gov.me.

19. Deadline for submission of tenders

10:00 Central European Time on 15th October 2015

Opening hours: 08:00 to 16:00 h

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

20. Tender opening session

11:00 Central European Time on 15th October 2015, at:

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

21. Language of the procedure

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

22. Legal basis

- 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 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).