
WORKS CONTRACT NOTICE

REHABILITATION WORKS ON SECTION VIRPAZAR-SUTOMORE IN TUNNEL SOZINA

Location - Montenegro (ME)

Please note that the awarding of the contract is subject to the condition of:

the prior adoption of a financing decision

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/138259/ID/WKS/ME

2. Procedure

Open

3. Programme title

Regional Development Programme 2012-2013 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/Employer

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

CONTRACT SPECIFICATIONS

6. Description of the contract

The works contract is related to the track rehabilitation on section Virpazar-Sutomore in tunnel Sozina of km 439+032.00.65 to km 445+572.00 in total 6,54 km along the railway line Vrbnica-Bar. The designed solution for this section of single track and standard gauge, keeps the existing axis and the vertical alignment of the existing line (executed in 1976), and with the railway line electrified 25 kV, 50 Hz single-phased system, with the

highest axle load of $P_{max}=25$ t and 8 t/m' (UIC class D4), and $v=80$ km/h ($v=70$ km/h for $R=350$ m). The following works will be performed in the tunnel under operation of the line (but not limited to): complete replacement of the track grid (rails type S49/49E1, wooden sleepers with rigid fastenings type K), with new material (rails type S49/49E1, concrete sleepers with elastic fastenings system and ballast) with mechanical sifting of the track. Tracks are welded into CWR (continuous welded rail). Reparation works of electrical line in tunnel are included too (works on catenary OCL and telecommunications).

The contract will be implemented under FIDIC Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer" (First Edition 1999; FIDIC "Red Book").

7. Number and titles of lots

One lot only

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. 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 50,000 Euros when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer 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/Employer. 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

An optional information meeting and the site visit will be held on July 29th 2016 at 10:00 hrs. The site visit will start in the premises of the Contracting Authority/Employer - Directorate of Public Works at the following address:

Novaka Miloševa 18, 81000 Podgorica, Montenegro.
Fax: +382 20 230 228
E mail: ipa.rr@djr.gov.me

After the site visit is completed, the information meeting will be held.

The tenderers shall confirm their intention to participate in the site visit and information meeting at least 3 (three) days before the scheduled date.

Contact details to confirm attendance are:
Directorate of Public Works,
Address: Novaka Miloševa 18, 81000 Podgorica, Montenegro
Fax: +382 20 230 228
E mail: ipa.rr@djr.gov.me

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority/Employer may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

15. Period of implementation of tasks

36 months = 12 months (Works) and 24 months (Defects Notification Period-DNP)

SELECTION AND AWARD CRITERIA

16. Selection criteria

The selection criteria for each candidate are as follows:

Economic and financial capacity of candidate:

- The average annual turnover of the candidate (individual applicant or JV/consortium as a whole) over the last three years must be at least EUR 8,000,000 (The consortium as a whole must satisfy the minimum requirement related to the average annual turnover. The consortium leader must meet at least

50% of the requirement while the other members have to have each at least 10% of the requirement.)

- The Tenderer shall demonstrate, by a bank statement, that he has available or has access to liquid assets, lines of credit, or other financial means sufficient to meet the construction cash flow for the contract (ignoring pre-financing advance) of not less than EUR 800,000 and for a period of not less than 3 months, in addition to the Tenderer's commitments for other contracts. In the case of submission of the bank statement shall clearly demonstrate that the credit facility is available specifically for this project.

Technical and professional capacity of candidate:

- During the period of 5 years before the submission deadline it must have completed: at least one project of the same nature/amount/complexity for construction or rehabilitation a railway line of a minimal bearing capacity of 22.5 t/axel and min speed of 80 km/h. 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. The date of the project completion/taking-over certificate must be within the period of 5 years before the submission deadline.

The Contracting Authority/Employer reserves the right to ask for copies of certificates of final acceptance/taking-over certificate signed by the supervisors/contracting authority of the projects concerned.

This means that the project 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.

- The Consortium must carry out at least 70% of the contract works using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.
 - if it is the lead member of a joint venture/consortium, it must be able to carry out at least 50% of the contract works using its own means.
 - if it is a partner of a joint venture/consortium (i.e. not the lead member) it must be able to carry out at least 10% of the contract works using its own means.
- The tenderer must be a registered firm capable of carrying out the specified works; in case of a consortium, this requirement applies to all members of the consortium. At the moment of tender submission, the tenderer shall have a professional license(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 on railway. For the purpose of tender evaluation, legal requirements must be respected from every member of a consortium while for professional license only one member is sufficient to have it. The latest on the Commencement Date, the Contractor will have to be accredited (authorised) and registered 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:
 - Law on spatial development and construction of structure (Official Gazette of Montenegro, No. 51/08, with addenda);

- Railway Law (Official Gazette of Montenegro 21/2014) OGM 1/2014
- Law on the organization of security and efficiency of rail transport (Official Gazette of Montenegro 01/2014).
- 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).
- Standards, Regulations and Instructions of former ZJŽ, JŽS, JUS, still valid,
- The Law on the Protection of Nature (Official Gazette of Montenegro 51/04),

Works register and technical rules drawing up the statements shall be as set out in the "Regulation on the Contents and the Method of Keeping the Building Log Book, Works Register and Inspection Records" Official Gazette of Montenegro 81/08 [Pravilnik o sadržini i načinu vođenja građevinskog dnevnika, građevinske knjige i knjige inspekcije ("Sl. list Crne Gore", br. 81/08 od 26.12.2008),] and all other relevant norms standards and legislation (including the latest amendments).

- 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)].
- More information can be found at the following link: <http://www.ingkomora.me/>

- **Tenderer’s key personnel must have appropriate qualifications, skills and experience as follows:**

One (1) Contractor's Representative:

He/She will manage the contract and act as the contractor's representative according to Clause 4.3 of General Conditions of Contract. He/She shall:

- 1) possess a university degree in civil engineering;
 - 2) have at least 10 years of professional experience in railway engineering;
 - 3) possess proven experience of having at least two (2) successfully completed projects, in the field of the railway engineering, under FIDIC Conditions of Contract - Red/Yellow Book (or similar contract conditions like those used by the WB/EBRD/CEB, and other international finance institutions) with cumulative minimum value of EUR 4,000,000 on the position of Contractor’s Representative or Project manager;
 - 4) at least one (1) successfully completed project in railway track rehabilitating under operation in the last eight years;
 - 5) possess a working knowledge of English;
- supporting documentation, confirming compliance with the above requirements (defined under the bullets 1, 3 and 4) must be provided with the tender.

One (1) Site Engineer:

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

- 1) possess a university degree in civil engineering;
- 2) have at least 10 years of professional experience in the railway engineering;
- 3) at least one (1) successfully completed project in implementing single line track rehabilitating under operation in tunnel in the last eight years;
- 4) possess a basic level of English knowledge;
-supporting documentation, confirming compliance with the above requirements defined under the bullets 1 and 3, must be provided with the tender.

One (1) Electrical Engineer

He/She shall be in charge of the execution of the electrical works on single open line railway track under the operation. He /She shall:

- 1) possess a university degree in electrical engineering high/low voltage;
- 2) have at least 7 years of professional experience in the railway engineering;
- 3) possess a basic level of English knowledge;
-supporting documentation, confirming compliance with the above requirements defined under the bullets 1 and 2, must be provided with the tender.

During the Contract implementation, the Contractor shall employ additional personnel [at least one representative of the contractor must have railway certificate , electrical engineer high/low voltage, geodetic survey engineer, quality assurance expert, health and safety expert, environment expert, and any other expert considered necessary by the Tenderer] as required for contract implementation. At this point, there are no specific qualification requirements for non-key personnel from the Contracting Authority's/Employer's side.

At the moment of tender submission, the above key personnel 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. Submission of the documents in the tender phase is not obligatory. A statement and/or provision of the name and/or number of the document in the CV is sufficient. In the course of contract implementation, the personnel will have to possess a professional licence(s)/certificate(s) (or right), in accordance with the relevant legislation of Montenegro (the laws are listed above).

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/Employer 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/Employer 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/Employer.

17. Award criteria

The most economically advantageous tender is the technically compliant tender with the lowest price.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the website <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>, on the Delegation of the European Union to Montenegro website <http://delmne.ec.europa.eu/code/navigate.php?Id=1626>, on the Ministry of Transport and Maritime Affairs website www.msp.gov.me and on the Directorate of Public Works - Montenegro website www.djr.gov.me/direkcija.

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 ipa.rr@dj.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/Employer 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 Delegation of the European Union to Montenegro website <http://delmne.ec.europa.eu/code/navigate.php?Id=1626> on the Ministry of Transport and Maritime Affairs website www.msp.gov.me and on the Directorate of Public Works - Montenegro website www.djr.gov.me/direkcija.

19. Deadline for submission of tenders

19th September at 10:00 hrs Central European Time (CET)

Opening hours for submission of tenderers: 08:00 to 16:00 h

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

20. Tender opening session

19th September at 11.00 hrs Central European Time (CET) 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. Repetition of similar works

Subsequent to the initial contract resulting from the current tender procedure, new works consisting in the repetition of similar works, up to the estimated amount of 2,000,000 EUR, may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new works are in conformity with the same basic project.

23. 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)