

SERVICE CONTRACT NOTICE

Design Review and Supervision of works for Rehabilitation of unsanitary dumpsite “Ćafe” in the Municipality of Bar, Montenegro

Location - Montenegro (ME)

1. Publication reference

EuropeAid/137123/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 Miloseva 18, 81 000 Podgorica, Montenegro

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based.

7. Contract description

The service contract aims at reviewing the main design for the Rehabilitation of unsanitary dumpsite “Ćafe” and at the supervision of the construction works as FIDIC Engineer/Supervisor. The dumpsite is not in operation since 2008. Supervision of works will include the following: civil works (including service road), earthworks (levelling, excavation, filling, spreading and compaction of waste and similar), retaining structure, surface sealing system, landfill gas collection system, landscaping, storm water channel, fence and gate, monitoring (during the defects notification period).

The civil work contract will be implemented as per FIDIC Conditions of Contract for Plant and Design Build Contract (Yellow Book), First Edition, 1999.

8. Number and titles of lots

No, one lot only.

9. Maximum budget

450.000 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 (ie, 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

October 2015

19. Provisional commencement date of the contract

January 2016

20. Initial period of implementation of tasks

42 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

Same criteria for legal and natural person

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:

1. The average annual turnover of the candidate must exceed 250,000 EUR for the last 3 financially completed years

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.

2. The current ratio (current assets/current liabilities) must be at least 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:

1. The tenderer must be a registered firm or natural person legally capable of carrying out the specified assignment, in case of a Joint Venture, consortium, this requirement applies to all members of the consortium.
2. 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/designing. 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. 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, 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: <http://www.ingkomora.me/>

3. At least 5 permanent staff currently working for the candidate in fields related to this contract.

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

Criteria for legal and natural persons:

In the last three years prior to the submission deadline, the candidate should have completed the services:

1. The candidate has successfully completed at least 1 (one) supervision contract with a budget of at least that of this contract in EUR 450,000 for supervision of rehabilitation works of old dump sites or construction new sanitary landfills which were implemented during the last 3 years.

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

2. At least 1 (one) construction supervision in accordance to FIDIC Conditions of Contract for Plant and Design Build Contract (Yellow Book), First Edition, 1999 in the last 3 years

The project the candidate refers to could have been started or 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. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still ongoing only the portion satisfactorily completed during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

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:

- the highest number of projects in criteria 3.1

In case of equality after the first examination;

- the highest value of the project in criteria 3.2

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

16:00 hrs Central European Time on 21st September 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 (B3 Standard 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

Novaka Miloševa 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

Novaka Miloševa 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

19th May 2015

Notice number in OJ: 2015/S 095-171706

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29. 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).

30. Additional information

N.A.