

## **SUPPLY CONTRACT NOTICE**

### **Supply of equipment for response to marine pollution incidents**

#### **Montenegro**

**1. Publication reference**

EuropeAid/140119/IH/SUP/ME

**2. Procedure**

Open

**3. Programme title**

Country Action Programme for Montenegro (2017) – Support to the Transport Sector in Montenegro

**4. Financing**

Financing Agreement concerning the Country Action Programme for Montenegro (2017) under the Instrument for Pre-Accession Assistance IPA II (2014-2020)

**5. Contracting authority**

Public Works Administration, Novaka Miloševa 18, 81 000 Podgorica, Montenegro

---

## **CONTRACT SPECIFICATIONS**

**6. Description of the contract**

To fight against potential risks of pollution and react in a time responsive manner against oil spills from vessel and off shore oil platforms in Montenegro sea, port infrastructure, mainly at Bar and Kotor, require to be equipped with the adequate equipment in accordance with IMO Conventions and EU regulations. Equipment consist inter-alia of multipurpose response vessels, skimmer, power-rack (diesel generator and hydraulic pump) with hoses, light oil coastal recovery boom with reels, floating absorbent boom, granulated absorbents and associated trainings.

**7. Number and titles of lots**

One lot only

---

## **TERMS OF PARTICIPATION**

**8. Eligibility and rules of origin**

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed (see also heading 22 below). Participation is also open to international organisations.

All supplies under this contract must originate in one or more of these countries.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries] will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure.

## **9. Grounds for exclusion**

Tenderers must submit a signed declaration, included in the tender form for a supply contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the practical guide.

Tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

## **10. Number of tenders**

Tenderer may submit only one tender per lot. Tenders for part 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 supplies required in the tender dossier.

## **11. Tender guarantee**

Tenderers must provide a tender guarantee of EUR 18,000.00 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. This guarantee will be called upon if the tenderer does not fulfil all obligations stated in its tender.

## **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**

No information meeting is planned.

### **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 may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers).

### **15. Period of implementation of tasks**

The period of implementation of tasks, starting from the day stipulated in the Commencement Order and ending on the day of issuance of the certificate of Provisional Acceptance, shall last **270 calendar days**.

---

## **SELECTION AND AWARD CRITERIA**

### **16. Selection criteria**

The following selection criteria will be applied to tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors:

- 1) Economic and financial capacity of tenderer (based on i.a. item 3 of the tender form for a supply contract). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.
  - The average annual turnover of the tenderer over the last three financial years (2016, 2017 and 2018) must exceed the financial proposal of the tenderer;
  - Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium, this criterion must be fulfilled by each member.
- 2) Professional capacity of tenderer (based on i.a. items 4 and 5 of the tender form for a supply contract). The reference period which will be taken into account will be the last three years from submission deadline.
  - At least 3 permanent staff members working in fields related to this contract
  - The tenderer is certified in accordance with ISO9000
- 3) Technical capacity of tenderer (based on i.a. items 5 and 6 of the tender form for a supply contract). The reference period which will be taken into account will be the last 3 (three) years from submission deadline.
  - The tenderer has delivered supplies under at least 2 contracts with a budget of at least 800.000 EUR each in the field of marine pollution preparedness, response and cooperation for oil, hazardous and noxious substances from ships and/or oil and/or gas installations, which were implemented during the following period: three years from the submission deadline.

This means that the contract the tenderer 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. 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, final acceptance). In case of projects still on-going 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.

Capacity-providing entities:

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. Some examples of when it may not be considered appropriate by the contracting authority are when the tenderer relies in majority on the capacities of other entities or when they rely 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 for performance of the contract, for example by producing a commitment 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the contracting authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the tasks for which these capacities are required.

With regard to economic and financial criteria, the entities upon whose capacity the tenderer relies, become jointly and severally liable for the performance of the contract.

## 17. Award criteria

Price

---

# TENDERING

## 18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the contracting authority. Tenders must be submitted using the standard tender form for a supply contract 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

Public Works Administrations

Novaka Miloševa 18, 81 000 Podgorica, Montenegro

or via e-mail address [ujr@ujr.gov.me](mailto:ujr@ujr.gov.me) (mentioning the publication reference shown in item 1) at

the latest 21 days before the deadline for submission of tenders given in item 19. The contracting authority must reply to all tenderers' questions at the latest 11 days before the deadline for submission of tenders. Eventual clarifications or minor changes to the tender dossier shall be published at the latest 11 days before the submission deadline on the website of DG International Cooperation and Development at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

## 19. Deadline for submission of tenders

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

12:00 hrs, Montenegro Time, on Monday 24.09.2019

Any tender submitted to the contracting authority after this deadline will not be considered.

**The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.**

### How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :
  - Public Works Administration, Mr. Rešad Nuhodžić
  - Novaka Miloševa 18, 81 000 Podgorica, Montenegro
- OR hand delivered by the participant in person or by agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:
  - Public Works Administration, Mr. Rešad Nuhodžić
  - Novaka Miloševa 18, 81 000 Podgorica, Montenegro

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

By submitting a tender candidates accept to receive notification of the outcome of the

---

<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the tender.

## **20. Tender opening session**

24<sup>th</sup> September – 13:00 hrs at the premises of Public Works Administration, Novaka Miloševa 18, 81 000 Podgorica

## **21. Language of the procedure**

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

## **22. Legal basis<sup>2</sup>**

- Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11<sup>th</sup> March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II)
- Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11<sup>th</sup> March 2014 laying down common rules and procedures, for the implementation of the Union`s instruments for financing external action;
- Commission Implementing Regulation (EU) No 447/2014 of 2<sup>nd</sup> May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11<sup>th</sup> March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II).

## **23. Additional information**

Not applicable.

---

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