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## WORKS CONTRACT NOTICE

Design and Rehabilitation of unsanitary dumpsite “Cafe” in the Municipality of Bar,  
Montenegro

Location - – **Bar, Montenegro (ME)**

**1. Publication reference**

EuropeAid/137078/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**

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

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## CONTRACT SPECIFICATIONS

**6. Description of the contract**

The contract includes for Detailed Design and Construction of the Works (as per FIDIC Conditions of Contract for Plant and Design-Build Contract (Yellow Book - First Edition, 1999) rehabilitation of a closed dumping site (with a Time for Completion of 18 months and a 24 month Defects Notification Period), where the total volume of the solid waste was calculated at 172,065 m<sup>3</sup> with average depth of 5-6 m.

The Contractors Design and Review Approval of the Design (Review Approval by the selected Supervising Engineer, with Review as per Montenegrin Law on Spatial Planning and Construction of Structures) will cover, inter alia:

Geodetic, geotechnical and other necessary surveys, slope stability analysis and adopted solution, waste remodeling, gabion wall and reinforced embankment, waste cover layer, storm water control, generation and collection of gas piping system, calculation of gas generated on the site, gas disposal (flaring or bio-filter etc.) system, electrical supply, service road, fence and gate and landscaping of the rehabilitated site.

The Construction Works will cover, inter alia

The rehabilitation includes for relocation of waste of approx. 12,000 m<sup>3</sup> inside the dumpsite, remodeling of the surface of the waste of approx. 60,000 m<sup>2</sup>, a top layer construction of topsoil of one metre deep of approx. 45,000 m<sup>3</sup> imported from a borrow pit, and an impermeable HDPE liner of approx. 60,000 m<sup>2</sup>.

To retain the waste, gabion box embankments of about 10,000 m<sup>3</sup>, soil reinforced embankments using approx. 150,000 m<sup>2</sup> of flexible geogrid and 75,000 m<sup>3</sup> of lime stabilized sand will be placed.

A gas collection system of approx. 1000 m of HDPE and 1000m of PVC Piping will be installed in gas filter drains which will supply gas to a gas flaring system or alternative bio-filter plant (this is not considered as a variation under Article 10 as long as only one type is proposed) of approx. 80 m<sup>3</sup> per hour capacity,, requiring a power 10Kw cable approx. 500 m long.

Service gravel roads will be installed to service the completed works of approx. 2000 m<sup>2</sup>. To prevent storm runoff encroaching on the treated area, approx. 2000 m of concrete channels, with accompanying culverts, will be constructed. The site will be surrounded by a steel mesh fence, 1.8 m high, of approx. 800m, with a sliding gate.

**7. Number and titles of lots**

no, one lot only

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**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 50,000 euro 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**

An optional information meeting and site visit will be held on 27 August 2015.

The site visit will start at 09.00 hrs in the premises of the End Beneficiary- Municipality of Bar at the following address,  
Municipality of Bar, Bulevar Revolucije 1, 85000 Bar, Montenegro.

After the site visit is completed, the information meeting will be organized at 13.00 hrs on the same day, 27 August, 2015, at the same venue,  
Municipality of Bar, Bulevar Revolucije 1, 85000 Bar, Montenegro.

The tenderers who intend to attend the site visit and information meeting shall confirm their intention to participate in the site visit and /or 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: [djr@gov.me](mailto: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**

18 months (Works) and 24 months (Defects Notification Period - DNP)

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## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

The tenderer must be a registered firm or natural person legally 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 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/design

**During the Tendering and Implementation Period, the Candidate and resultant Contractor (including Staff, Plant and Labour) must comply in full with the Laws of Montenegro and its International Agreements.**

#### **Economic and financial capacity of candidate:**

- the average annual audited turnover of the candidate (individual applicant or JV/consortium members as a whole) together must, in the three previous financial years for which the accounts are closed, and reported as required, have an average annual turnover of at least EUR 5 million euros. Also included shall be the verified report of a legally acceptable Accountant in their respective countries to demonstrate the average annual turnover for these three previous financial years. 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 at least 10% of the requirement.
- The candidate shall demonstrate that it has access to sufficient lines of credit and other financial facilities to cover the required construction cash flow (ignoring prefinancing advance) for a period of not less than 6 months. In any case, the amount of credit available must exceed the equivalent of 1.6 million euros. The statement on available funds in Euro must be provided by the bank named in the Financial Identification Sheet or other recognised bank. The statement must clearly indicate that the above mentioned credit facility is available specifically for this named project.

#### **Technical and professional capacity of candidate:**

##### **Professional Capacity**

Note:

“Completed” Works Contracts will be taken to mean that the Contractor has in his possession, (and this must be verified by copies signed and stamped by the Candidate as being authentic), Provisional Acceptance Certificates (Taking Over Certificates), Final Acceptance (Performance Certificates), or an Interim Payment Certificate for a single Works contract showing work certified of more than 4 million euros, signed by the Supervisors /Contracting Authority/the Engineer, of the projects submitted for evaluation and included in Section 5, Form 5.2. Annex A.

a) The candidate must have completed Works contracts,(this means that 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.)

1. As lead contractor, one new municipal landfill Works contract, or existing landfill rehabilitation Works contract, to international or EU standards, for a total of three million euros, within the five years prior to date for submission of tenders using Design-Build type contracts (similar to FIDIC Yellow Book).

2. At least two landfill rehabilitation Works for a minimum of three million euros for each of the Works Contracts, or one larger landfill rehabilitation Works for a minimum of five million euros during the five years prior to date for submission of tenders.

3. In at least one of the above projects the following activities should have been completed,

3.1 Design of landfill rehabilitation systems for the named project, with experience in landfill capping systems, waste relocation, slope and stability analysis, installation of degasification systems, and earthworks.

3.2 Construction Works for a landfill rehabilitation project with the following minimum volumes of construction works:

- a. Capping system with geo-membrane and drainage layer: 30,000 m<sup>2</sup>,
- b. Waste relocation: 8,000 m<sup>3</sup>
- c. Reinforced Earth Embankments, 30,000 m<sup>3</sup>
- d. Gasification System: 1000 m piping with 40m<sup>3</sup>/hr flare or other methodology

The works listed above under Items 1 and 2 may be the same project, if compliant, and works listed under 3.1 and 3.2a to 3.2d may have been executed separately under the contracts listed.

If a candidate has implemented the project in a JV/Consortium, it should be clear from the documentary evidence (Provisional Acceptance/Taking-Over-/Final Acceptance /Performance Certificates/Joint Venture Agreement) the percentage the candidate has successfully completed.

- The candidate 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.

**Note:**

If a Design Engineering company is a named partner, then Design Projects of this named partner may be included in the list of completed projects. The requirement of this Design Engineering partner to carry out 10% of the contract work is not applicable to Design Engineering companies.

If a Design Engineering company is a named, (a signed pre-contract agreement to carry out the Design if Candidate is successful must be included in the Tender Submission) sub-contractor of the Candidate, then Design Projects of this named sub-contractor may be included in the list of projects if the completed costs of the resultant Works Contracts meet the Works contracts amounts mentioned above).

Design projects where the resultant Works contract is not completed (as above) will not be considered.

**All verifications must be included in the Tender Submission.**

The Contracting Authority reserves the right to carry out any further inquiry on the

candidate's documents as the Evaluation Committee may deem appropriate.

### **Technical Capacity**

#### **One (1) Contractor's Representative:**

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

- possess a university degree in civil engineering or equivalent technical qualifications;
- have at least 10 years of professional experience in civil engineering;
- possess proven experience of having at least two (2) successfully completed Contracts of more than 3 million euros under FIDIC type Contract Conditions in the position of Contractor's Representative or Project Manager
- have at least 3 years of professional experience in the position of Contractors Representative or Project Manager on solid waste management projects with at least one project value above 3 million euros
- possess a high level of English (i.e. corresponding to level 1 in form 4.6.1.3);

#### **One (1) Chief Design Engineer:**

He/She shall be in charge of a team leader/lead designer for preparation of main and detailed design under the contract. He/she shall:

- possess a university degree in civil engineering or equivalent technical qualifications;
- have at least 15 years of professional experience in civil engineering;
- have proven managerial ability and experience in designing and implementing projects and supervising staff.
- have occupied similar position on at least 2 completed Works projects of more than 3 million euros, nature and complexity (landfill or remediation of landfill, slope stability, gas collection and burnoff, and earth retaining structures) over the previous 5 years.
- possess a high level of English (i.e. corresponding to level 1 in form 4.6.1.3);

#### **One (1) Site Engineer for the remediation of landfill site:**

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

- possess a university degree in civil engineering or equivalent technical qualifications;
- have at least 8 years of professional experience in site management of landfill sites;
- possess a level of English (i.e. corresponding to level 2 in form 4.6.1.3);

#### **One (1) Environmental, Health and Safety Supervisor:**

He/She shall possess relevant university degree (sciences or engineer degree) and be in charge of environmental, health and safety practices on site according to the relevant laws and

regulations and the contract.

He/She shall:

- shall possess university degree or equivalent technical qualifications;
- have at least 5 years of practical experience in environmental, health and safety management on landfill sites
- possess a level of English (i.e. corresponding to level 2 in form 4.6.1.3);

**Supporting documentation must be provided to verify compliance with the above.**

The rest of the non-key personnel (i.e. gas flare engineer/technician, electrical engineer, works, roads, landfill sealing, and slope stabilisation foremen shall have at least 8 years proven relevant experience in their respective fields.

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**

Price

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**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>, on the Ministry of Sustainable Development and Tourism website [www.mrt.gov.me](http://www.mrt.gov.me) and on the Directorate of Public Works - Montenegro website [www.djr.gov.me/direkcija](http://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 [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 Ministry of Sustainable Development and Tourism website [www.mrt.gov.me](http://www.mrt.gov.me) and on the Directorate of Public Works - Montenegro website [www.djr.gov.me/direkcija](http://www.djr.gov.me/direkcija),

## **Deadline for submission of tenders**

**01** October 2015 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.

## **19. Tender opening session**

**01** October 2015 (same day) at 11.00 hrs Central European Time (CET) at:

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

## **20. Language of the procedure**

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

## **21. 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)