
WORKS CONTRACT NOTICE

Construction and Commissioning of Waste Water Treatment Plant at TPP Kostolac B

Location – City of Kostolac, Republic of Serbia

1. Publication reference

EuropeAid/137116/IH/WKS/RS

2. Procedure

Open

3. Programme title

National Programme for Serbia under the IPA – Transition Assistance and Institution Building Component for the year 2013

4. Financing

Financing agreement

5. Contracting Authority

The Government of the Republic of Serbia, represented by the Ministry of Finance, Department for Contracting and Financing of EU Funded Programmes (CFCU), Belgrade, Serbia

Address:

3-5 Sremska St, VII floor, Office 701

Belgrade 11 000

Republic Serbia

CONTRACT SPECIFICATIONS

6. Description of the contract

The project aim is to construct waste water treatment plant (WWTP) within the Thermo Power Plant (TPP) “Kostolac B” which will provide the reduction of environmentally harmful waste water emissions into the Danube river, in line with requirements of the European Union’s and Serbian relevant legislation related particularly to the water protection .

Thus, the project 'Construction and Commissioning of the Waste Water Treatment Plant at TPP Kostolac B' will significantly reduce negative environmental influence of waste waters by reducing the concentration of relevant pollutants (fuel oil, mineral oils, suspended solids, heavy



metals, Biochemical Oxygen Demand) at the WWTP outlet, so that they will be in accordance with EU directives and the Serbian national legislation and regulations, leading to an improvement of water quality around the TPP. The works shall be executed according to Conditions of Contract for Plant and Design-build for Electrical and Mechanical Works and for Building and Engineering Works Designed by the Contractor (FIDIC "Yellow 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 (see item 23 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 115, 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. 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 site visit and information meeting will be held on 09th August 2016 at TPP Kostolac

B at city of Kostolac between 09:00 to 17:00 hrs Central European Time. The tenderer is obliged to visit and inspect the site of the works and its surroundings for the purpose of assessing, at its own responsibility, expense and risk, factors necessary for the preparation of its tender and the signing of the contract for the works. The tenderer shall announce and register in writing his site visit to Ms Jelena Živković in TPP Kostolac B, Kostolac, via e-mail jelena.zivkovic@te-ko.rs at least 5 days in advance.

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.

15. Period of implementation of tasks

The period of implementation of tasks shall be 24 months from the commencement date until the works' Taking Over.

SELECTION AND AWARD CRITERIA

16. Selection criteria

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria.

If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

A) Economic and financial capacity of candidate:

The tenderer (consortium as a whole or a sole tenderer) must fulfil the following criteria:

- a) The average annual turnover of the tenderer over the past three (3) years (2013, 2014, 2015) must be at least 5,000,000 EUR. The average annual turnover of the Lead Partner of the consortium over the last three (3) years (2013, 2014, 2015) must be at least 3,000,000 EUR;

This must be proven by audited balance sheets and income statements of the tenderers for the last three (3) financial years which were audited by a certified Public (sworn)/Chartered accountant and any other document necessary to prove annual turnover of the tenderer. The Contracting Authority reserves the right to carry out any further inquiry on the Tenderer's financial standing as the Evaluation Committee may deem appropriate.

- b) The tenderer must prove the access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must be at least 1,000,000 EUR. The statement shall clearly demonstrate that financing is available for the tendered contract;

B) Professional capacity of candidate:

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The tenderer (consortium as a whole or sole tenderer) must fulfil the following criteria:

- a) Shall be a registered firm or a natural person capable of carrying out the specific works;
- b) Shall carry out at least 70% of the contract works by his own resources, which means that it shall have the equipment, materials, human and financial resources necessary to enable him to carry out that percentage of the contract;
- c) The lead partner in a consortium/joint venture must carry out at least 50% of the contract works by its own means;
- d) Must have in place and apply a quality assurance system, such as ISO 9001;
- e) Should have at least 15 professional staff with experience in relevant projects;
- f) Shall have employed **Key personnel** which should be assigned for the tendered contract implementation. The following personnel shall be considered to be the key-personnel:

- One (1) **Project Manager** who will coordinate the entire contract. He/she shall be a qualified civil, mechanical or chemical engineer with at least ten (10) years of relevant professional experience (in his/her field of expertise) and project management experience in at least two (2) projects with a similar nature or size or complexity. Out of those 2 (two) projects, at least one (1) project should be a construction contract according to **FIDIC** conditions of contract.
- One (1) **Site Manager**. He/she shall be a qualified civil, mechanical or chemical engineer with at least eight (8) years of relevant professional experience (in his/her field of expertise) and site management experience in at least two (2) projects with a similar nature or size or complexity. Out of those two (2) projects, at least one project should be a construction contract according to **FIDIC** conditions of contract.

Please note that Site Manager must possess, or be in the position to obtain before the contract commencement date, the relevant professional licences as required by law on Planning and Construction of Serbia and other relevant legal provisions.

- One (1) **Design Manager**. He/she shall be a qualified civil, mechanical or chemical engineer with at least eight (8) years of relevant professional experience (in his/her the field of expertise) and design experience in at least one (1) project with a similar nature or size or complexity.

Similar nature and complexity of referent projects concerning the key personnel shall be interpreted as follows:

- Design, construction and commissioning of a waste water treatment plant (WWTP) either for thermal power plant or in the oil refineries industry or in the pharmaceutical industry or for municipal needs.

Similar size of referent projects concerning the key personnel shall be interpreted as follows:

- A waste water treatment plant construction project with a value of at least 2, 000, 000 EUR

All Experts proposed by a tenderer must have at least a BSc diploma in the relevant field of expertise and a good command of the English language.

The tenderer must submit in the tender the list, CV's and copies of diploma/degrees and employers certificates of all the staff listed above.

Please note that before the contract commencement date, the tenderer must demonstrate that he possesses the proper licences according to the Serbian Law for Planning and Construction.

C) Technical capacity of candidate:

The tenderer (consortium as a whole or sole tenderer) must fulfil the following criteria:

- a) The tenderer must have completed as a prime contractor at least two (2) contracts of the similar nature and complexity to the works concerned by the tendered contract. One of these contracts must have been completed with a value of at least 4,500,000 EUR, and the other contract must have been completed with a value of at least 2,000,000 EUR. The works must have been completed at any moment during the period of past eight (8) years from the date of submission of tenders.
 - “*Similar nature and complexity to the works concerned by the tendered contract*” shall be interpreted as follows:
 - Similar nature and complexity means design, construction and commissioning of a waste water treatment plant (WWTP) either for thermal power plant or in the oil refineries industry or in the pharmaceutical industry or for municipal needs.
 - at least one waste water treatment plant WWTP must have been completed for the thermal power plant/industry.
 - The minimum size (value) that will be taken into consideration is either the total contract value, when the contractor was acting as a sole contractor, or the share of the total contract value corresponding to its share of joint-venture participation, when the contractor was member of a joint-venture.
 - “*Completed*” is to be interpreted as “Taking Over/Provisional Acceptance” or “Performance Certificate” issued for construction contracts. Copies (translated in English) of the respective certificates, signed by the contracting authorities/employers/supervisors of the contracts concerned, verifying the satisfactory/successful completion and acceptance of the contracts, must be submitted. These documents shall clearly demonstrate the compliance of the presented references with the above criteria. The Contracting Authority reserves the right to ask for copies, and to check for accuracy and validity of copies of certificates of final/provisional acceptance signed by the supervisors/contracting authority/employer of the contracts concerned, and any information given by the tenderers in relation to reference contracts.



- “*Completed*” also means that the contracts that tenderer refers to could have been completed at any time during the indicated period, but they do not necessarily have to be started during that period, nor implemented during the entire period.
- “As a prime contractor” means that the tenderer (lead partner or member of a joint venture) must have undertaken at least 50% of the works in a contract for the design, construction and commissioning of reference WWTP contracts as defined above.
- Regarding the calculation of the contract amounts for the completed works of the tenderers, the values will be considered at the date of completion and will not be carried to the date of the evaluation as “net present values” and should be converted to official Euro rate from:

<http://ec.europa.eu/budget/inforeuro/index.cfm?Language=en>

Capacity providing entities:

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 a commitment 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.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works 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

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 for collection from Contracting Authority on CD ROM, free of charge, which excludes courier delivery, at the following address:

Ministry of Finance

Department for Contracting and Financing of EU Funded Programmes (CFCU)

Division for Tender Preparation and Contract Management

3-5 Sremska St, VII floor, Office 701

Belgrade 11 000

Republic Serbia

Opening hours of the Contracting Authority are 8:30 – 15:00 CET, Monday to Friday.

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 e-mail: cfcu.questions@mfin.gov.rs

Or at postal address:

Ministry of Finance

Department for Contracting and Financing of EU Funded Programmes (CFCU)

Division for Tender Preparation and Contract Management

3-5 Sremska St, VII floor, Office 701

Belgrade 11 000

Republic Serbia

(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> and on the website of the Contracting Authority (CFCU) at: <http://www.cfcu.gov.rs/tenderi.php>.

19. Deadline for submission of tenders

12:00 Central European Time on 3rd October 2016

The tender must be sent to the following address:

Ministry of Finance, Government of the Republic of Serbia

Department for Contracting and Financing of EU Funded Programmes (CFCU)

Division for Tender Evaluation and Contracting

3-5, Sremska St, VII floor, Office 701

Belgrade 11000

Republic of Serbia

If tenders are hand delivered they should be delivered to the following address:

Ministry of Finance, Government of the Republic of Serbia

Department for Contracting and Financing of EU Funded Programmes (CFCU)

Division for Tender Evaluation and Contracting

3-5, Sremska St, VII floor, Office 701

Belgrade 11000

Republic of Serbia

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

20. Tender opening session

14:00 Central European Time on 3rd October 2016, at the premises of Contracting Authority, Conference room, 1st floor.

3-5 Sremska St

Belgrade 11000

Republic of Serbia

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 and financing is available.

23. Legal basis¹

Council Regulation (EC) No. 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA) – OJL 210/82 of 31.07.2006.

¹ Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).