

Additional information about the Contract Notice

Construction of Municipal Wastewater Treatment and Collection System in Niš Location – Republic of Serbia

1. Nature of contract

Lot 1- lump sum

Lot 2- unit price

2. Programme title

Annual Action Programme for Serbia for year 2018

3. Financing

Financing agreement

4. Legal basis, eligibility and rules of origin

The legal basis of this procedure is Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II). See Annex A2 of the practical guide.

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium – of candidates/tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under Article 8 of 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.

Participation is also open to international organisations.

Participation in procurement and grant procedures financed by the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument contributing to Stability and Peace (IcSP)¹ is fully untied².

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

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014** and Annex IV of the ACP-EU Partnership Agreement***, are to be understood as including natural or legal persons residing or established in, and to goods originating in, the United Kingdom ****. Those persons and goods are therefore eligible under this call.

* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

¹ Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1).

² Article 11 CIR.

** Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

*** Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014).

**** Including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU.

5. Candidature

All eligible natural and legal persons (as per item 4 above) or groupings of such persons (consortia) may participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement procedure. All partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation or tender of an ineligible natural or legal person 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.

6. Number of requests to participate or tenders

No more than one request to participate or tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.

In case of lots, the candidates or tenderers may submit only one request to participate or tender per lot. Contracts will be awarded lot by lot and each lot will form a separate contract.

7. Grounds for exclusion

Please refer to Article 3 of the Instruction to tenderers

8. Sub-contracting

Please refer to section 3.3 of the Instruction to tenderers

9. Number of candidates to be short-listed

N/A

10. Short-list alliances prohibited

N/A

11. Provisional date of invitation to tender

N/A

12. Provisional commencement date of the contract

Please refer to section 1.2 of the Instruction to tenderers

13. Period of implementation of tasks

Lot 1: 1460 days from the Commencement date until the Taking Over and 365 days Defect Notification Period

Lot 2: 1095 days from the Commencement date until the Taking Over and 365 days Defect Notification Period

14. Language of the procedure

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

15. Additional information

Financial data to be provided by the candidate in the request to participate form or in the tender submission form must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of December 2021, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

Please note that participation at the tender opening session is restricted to authorised representatives of the companies that are tendering for the contract. Each representative will have to submit the document of authorisation.

A mandatory information meeting and site visit will be held on 28/01/2022 at 12:00 CET.

The tenderer will need to register for the information meeting at the latest on 21/01/2022 until 14:00h CET writing to:

nenad.robajac@ekologija.gov.rs ,

Dusan.Radivojevic@gu.ni.rs

The tenderers shall be informed about further meeting arrangements depending on Covid-19 pandemic situation upon the registration for the meeting.

How to obtain the tender dossier:

The tender dossier is also available from Contracting Authority (CFCU) at the following address:

Ministry of Finance, Government of the Republic of Serbia
Department for Contracting and Financing of EU Funded Programmes (CFCU)
3-5 Sremska St., VII floor, Office 701
11000 Belgrade, Republic of Serbia

on electronic format (DVD-ROM), free of charge. Any person representing the potential tenderer can obtain the tender dossier; no authorisation or power of attorney is needed. Please note that the contracting authority cannot send the tender documentation to a postal address, or by any other means, i.e. electronic, express mail, etc.

Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

SELECTION AND AWARD CRITERIA

16. Selection criteria

Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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. If the economic operator relies on other entities, it must in that case prove to the contracting authority that it will have at its disposal the resources necessary for the performance of the contract by producing a commitment by 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 a separate document.** Proof of the capacity will also have to be provided when requested by the contracting authority.

With regard to technical and professional criteria, an economic operator 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 economic operator relies, become jointly and severally liable for the performance of the contract.

The selection criteria are described in section 12.2 of the instruction to tenderers.

17. Award criteria

Please refer to Article 24 of the Instruction to tenderers

PARTICIPATION

18. Requests to participate format and details to be provided

N/A

19. How requests to participate may be submitted

N/A

20. Deadline for submission of requests to participate

N/A

21. Clarifications on the contract notice

N/A

22. Outcome of the evaluation

N/A

23. Alteration or withdrawal of requests to participate

N/A