
WORKS CONTRACT NOTICE

INVITATION TO TENDER FOR SISAK WASTE WATER PROGRAMME – CONSTRUCTION OF RIVER CROSSINGS

SISAK - CROATIA

1. Publication reference

EuropeAid/133382/M/WKS/HR

2. Procedure

Local Open

3. Programme

IPA

4. Financing

IPA CCI No: 2009HR16IPR002 Sisak Waste Water Programme – Construction of river crossings

5. Contracting Authority

Hrvatske vode, Ulica grada Vukovara 220, HR – 10000 Zagreb

CONTRACT SPECIFICATIONS

6. Description of the contract

Construction of 2 river crossings underneath the Kupa river of a length of 305 and 227 metres, including 2 end shafts for each crossing. The contract shall be in accordance with FIDIC conditions of contract (Yellow Book), leaving the choice of construction technology up to the contractor. However, the contractor has to respect the employer's requirements regarding flow capacity, minimum diameter, navigation requirements, heights and equipment of end shafts.

7. Number and titles of lots

This tender is not divided in Lots.

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation is open to all natural or 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 also heading 22 below). All works, supplies and services under this contract must originate in one or more of

these countries. Participation is also open to international organisations.

As the contract is co-financed by the European Bank for Reconstruction and Development (EBRD), in addition to the eligibility and rules of origin above, participation and works, goods and services of third countries is authorised in accordance with the EBRD eligibility rules as defined in the Bank's "Procurement policies and rules", sub-clauses 2.6-2.9 which can be found in the website <http://www.ebrd.com/downloads/procurement/ppr10.pdf>

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 to contract procedures for EU external action**.

10. Number of tenders

Tenderers may submit only one tender for the works. Tenderers must tender for the whole of the works required by the tender dossier. Tenders for parts of the works will not be considered. 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 **20,000** 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(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

Participation to the information meeting and site visit is recommended, but not compulsory.

A site visit will be held on 17th July 2013, at 11:00 hrs local time at the following address:

Grad Sisak
Rimska 26
HR - 44000 Sisak
Croatia

An information meeting will be held on 17th July 2013, at 13:00 hrs local time at the following address:

Grad Sisak
Rimska 26
HR - 44000 Sisak
Croatia

The minutes of the clarification meeting and the site visit will be published at EuropeAid (<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?ADSSChck=1224846858672&do=publi.welcome&userlanguage=en>)

and Hrvatske vode website at <http://www.voda.hr/hv-ipa-tenders-en>.

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

815 days from the commencement date, including a defect notification period of 365 days.

SELECTION AND AWARD CRITERIA

16. Selection criteria

The minimum selection criteria for the Sole Tenderer include:

Economic and financial capacity of candidate:

1. The Tenderer must have an annual turnover for each of the last 3 years (2010, 2011, 2012) equivalent to 700,000 EUR.
2. The Tenderer must have 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 exceed the equivalent of 200,000 EUR.

Technical and professional capacity of candidate:

3. The Tenderer must have as a prime contractor completed at least 1 construction project comprising:
 - the construction of a river crossing¹ in the length of at least 150 m and with a diameter of at least 200 mm, using drilling technology

during the last 5 years (last five years shall be understood as 5 years before the deadline for submission of tenders).

Referenced project must have been completed in the indicated period but it does not necessarily have to be started within that period.

The Tenderer shall in his Tender provide the certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.

¹ River crossing or crossing under various water bodies (such as lakes or sea), roads, rails or similar

4. The Tenderer must have as a prime contractor completed main² design for at least 1 project comprising the design of:
 - a river crossing³ in the length of at least 150 m and with a diameter of at least 200 mm, using drilling technology

during the last 5 years (last five years shall be understood as 5 years before the deadline for submission of tenders).

Referenced project must have been completed in the indicated period but it does not necessarily have to be started within that period.

Tenderer must submit evidence for referenced projects as required above (such as Employer's certificate, affidavit, etc.).

5. The Tenderer must carry out at least 70% of the contract works by its own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works.

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.

The joint venture/consortium as a whole (all members together including the lead member) must satisfy the following minimum qualifying criteria:

Economic and financial capacity of candidate:

1. The joint venture/consortium must have an annual turnover for each of the last 3 years (2010, 2011, 2012) equivalent to 700,000 EUR (lead member of a joint venture/consortium must have an annual turnover for each of the last 3 years equivalent to 400,000 EUR).

² Main design means design in such a degree of detail, that a Building Permit can be based on it.

³ River crossing or crossing under various water bodies (such as lakes or sea), roads, rails or similar

2. The lead member of joint venture/consortium must have 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 exceed the equivalent of 200,000 EUR.

Technical and professional capacity of candidate:

3. Joint Venture/Consortium as a whole must have completed at least 1 construction project comprising:
 - the construction of a river crossing⁴ in the length of at least 150 m and with a diameter of at least 200 mm, using drilling technology

during the last 5 years (last five years shall be understood as 5 years before the deadline for submission of tenders).

Referenced project must have been completed in the indicated period but it does not necessarily have to be started within that period.

Joint Venture/Consortium shall in his Tender provide the certificate of final acceptance signed by the supervisor/contracting authority of the project concerned.

4. Joint Venture/Consortium must have completed main⁵ design for at least 1 project comprising the design of:
 - a river crossing⁶ in the length of at least 150 m and with a diameter of at least 200 mm, using drilling technology

during the last 5 years (last five years shall be understood as 5 years before the deadline for submission of tenders).

Referenced project must have been completed in the indicated period but it does not necessarily have to be started within that period.

Joint Venture/Consortium must submit evidence for referenced projects as required above (such as Employer's certificate, affidavit, etc.).

5. The Joint Venture/Consortium as a whole must carry out at least 70% of the contract works by his own resources, which means that he must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works.

⁴ River crossing or crossing under various water bodies (such as lakes or sea) roads, rails or similar

⁵ Main design means design in such a degree of detail, that a Building Permit can be based on it.

⁶ River crossing or crossing under various water bodies (such as lakes or sea), roads, rails or similar

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

The sole award criterion will be the price. The contract will be awarded to the lowest compliant tender.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the Contracting Authority, **Hrvatske vode, Ulica grada Vukovara 220, HR - 10000 Zagreb, Croatia upon payment of EUR 200**, in favour of Hrvatske vode

at the Bank Account in Zagrebačka Banka d.d.:

Account Number 2100036202

IBAN HR 7723600001101425545

SWIFT CODE: ZABHR2X

Reference number: 374-1-13(payer registration number)

Purpose of payment: For tender dossier – 133382 IPA

or Croatian currency counter value of the relevant amount due in EUR in favour of Hrvatske vode, in accordance with provisions of the current Foreign Exchange Act of the Republic of Croatia,

at the Bank Account in Zagrebačka Banka d.d.:

Broj računa: 2360000-1101425545

Poziv na broj: 374-1-13(MB uplatitelja)

Svrha: Uplata za natječajnu dokumentaciju – 133382 IPA

The aforementioned payment excludes courier delivery.

The tender dossier is also available for inspection at the premises of the Contracting Authority. 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 the Contracting Authority, **Hrvatske vode, Ulica grada Vukovara 220, HR – 10000 Zagreb, Croatia for att. of Mr. Robert Kartelo, Fax No. : +385 1 630 76 86, email: ipa@voda.hr** (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/onlineservices/index.cfm?do=publi.welcome>

and the Contracting Authority's website at

<http://www.voda.hr/hv-ipa-tenders-en>

19. Deadline for submission of tenders

12:00 hrs local time on 9th September 2013 at the premises of Hrvatske Vode, Ulica Grada Vukovara 220, 10000 Zagreb, Croatia

Any tender received after this deadline will not be considered.

20. Tender opening session

13:00 hrs local time on 9th September 2013 at the premises of Hrvatske Vode, Ulica Grada Vukovara 220, 10000 Zagreb, Croatia

21. Language of the procedure

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

22. Legal basis

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