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**HR-Zagreb: IPA — Sisak waste water programme — supervision of design and construction
2012/S 161-267502**

Location: Europe (non-EU) — Croatia

Service procurement notice

Common procurement vocabulary (CPV):

Main object:

71520000 Construction supervision services

Additional object(s):

71248000 Supervision of project and documentation

71521000 Construction-site supervision services

1. **Publication reference:**

EuropeAid/132999/D/SER/HR.

Internet address(es):

General address of the contracting authority: <http://www.voda.hr/hv-ipa-tenders-en>

2. **Procedure:**

Restricted.

3. **Programme:**

IPA.

4. **Financing:**

Financing agreement.

5. **Contracting authority:**

Hrvatske vode, 10000Zagreb, CROATIA.

6. **Nature of contract:**

Fee-based.

7. **Contract description:**

The contract consists of construction supervision of the construction of a sewerage system and waste water treatment plant for Sisak, namely:

(1) sewerage system in accordance with FIDIC conditions of contract (Red Book);

(2) 2 river crossings in accordance with FIDIC conditions of contract (Yellow Book); and

(3) waste water treatment plant for 60 000 PE in accordance with FIDIC conditions of contract (Yellow Book).

The construction works will include civil works, mechanical works, electrical works, automation works, commissioning, and trial operation of the WWTP.

Supervision should be performed in accordance with the respective FIDIC conditions of contract for construction ('Red Book' or 'Yellow Book'), Physical Planning and Building Act ('Official Gazette' 76/07, 38/09, 55/11, 90/11), and other relevant Croatian legislation.

8. **Numbers and titles of lots:**

The contract is divided into lots:

No, 1 lot only.

9. **Budget:**

Maximum budget: 1 657 438 EUR.

10. **Scope for additional services:**

The contracting authority may, at its own discretion, extend the project in duration and/or scope, subject to the availability of funding, up to a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the contractor.

Conditions of participation

11. **Eligibility:**

Participation is open to all legal persons (participating either individually or in a grouping (consortium) of candidates) 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 item 29 below). Participation is also open to international organisations. The participation of natural persons is governed by the specific instruments applicable to the programme under which the contract is financed.

12. **Candidature:**

All eligible natural and legal persons (as per item 11 above) or groupings of such persons (consortia) may apply.

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

The participation of an ineligible natural or legal person (as per item 11) 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.

13. **Number of applications:**

No more than 1 application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than 1 application, all applications in which that person has participated will be excluded.

14. **Shortlist alliances prohibited:**

Any tenders received from tenderers having a different composition than the ones on the application forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained — see PRAG 2.4.3. Shortlisted candidates may not form alliances or subcontract to each other for the contract in question.

15. **Grounds for exclusion:**

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.3.3 of the 'Practical Guide to contract procedures for EU external actions'.

16. **Subcontracting:**

Subcontracting is not allowed.

17. **Number of candidates to be shortlisted:**

On the basis of the applications received, at least 4 and at most 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the contracting authority may invite the candidates who satisfy the criteria to submit a tender.

Provisional timetable

18. **Provisional date of invitation to tender:**

5.11.2012.

19. **Provisional commencement date of the contract:**

26.4.2013.

20. **Initial period of implementation of tasks:**

Duration in months: 46.

Selection and award criteria

21. **Selection criteria:**

Same criteria for legal and natural person.

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole:

1) Economic and financial capacity of candidate:

In the case of the applicant being a public body equivalent information should be provided:

1. the average annual turnover of the candidate for the years 2009, 2010 and 2011 must have been equal to or exceeded 700 000 EUR;

2. cash and cash equivalents at the beginning and end of the years 2009, 2010 and 2011 were positive.

2) Professional capacity of candidate:

1. the minimum number of permanent staff currently working for the candidate in the field related to the contract (construction supervision) is 10 persons.

3) Technical capacity of candidate:

1. the candidate has worked successfully on at least 2 projects for construction supervision of construction of a waste water treatment plant for at least 50 000 PE each or at least 2 projects for construction supervision of extension/alternation/modification of an existing waste water treatment plant where the value of supervised works must have been at least 6 000 000 EUR for each project. The projects must have been completed in 2009, 2010 or 2011;

2. the candidate has worked successfully on at least 2 projects for construction supervision of a sewerage system within an urban area in total length of at least 5 000 m each. The projects must have been completed in 2009, 2010 or 2011;

3. Note: one and the same project can cover both of the criteria (21.3-1 and 21.3-2) above.

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 tenderers rely in majority on the capacities of other entities or when they rely on key criteria. If the candidate 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 performance of the contract, for example by producing an undertaking 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. 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be re-examined to identify the 8 best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

1) the total number of successfully executed supervision projects required under point 21.3-1;

2) in case of competition between 2 or more candidates having the same number of eligible projects under point 21.3-1 and sharing rank 8, the candidates will be ranked in descending order according to the total number of successfully executed supervision projects required under point 21.3-2;

3) in case of competition between 2 or more candidates having the same number of eligible projects under point 21.3-1 and 21.3-2 and sharing rank 8, the candidates will be ranked in descending order according to the total value of eligible projects under point 21.3-1.

22. **Award criteria:**
Best value for money.

Application

23. **Deadline for receipt of applications:**

1.10.2012 (12:00), local time.

Any application received after this deadline will not be considered.

24. **Application format and details to be provided:**

Applications must be submitted using the standard application form, the format and instructions of which must be strictly observed. The application form is available at the following Internet address: http://ec.europa.eu/europeaid/work/procedures/implementation/services/index_en.htm

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. **How applications may be submitted:**

Applications must be submitted exclusively to the contracting authority in the following language: English — either by recorded delivery (official postal service) to:

Hrvatske vode, Ulica grada Vukovara 220, 10000 Zagreb, CROATIA,

— or hand delivered (including courier services) directly to the contracting authority in return for a signed and dated receipt to:

For the attention of: Mr Robert Kartelo. Tel. +385 16307333.

Opening hours: 8:00–16:00.

As in abovementioned address.

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

Applications submitted by any other means will not be considered.

26. **Alteration or withdrawal of applications:**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with item 25.

The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. **Operational language:**

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

28. **Date of publication of contract forecast notice:**

15.5.2012.

Notice number in OJ: [2012/S 92-151040](#).

29. **Legal basis:**

EC Council Regulation No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA).

30. **Additional information:**

The conclusion of the contract resulting from this tender procedure is subject to the fulfilment of the following condition:

1) entry into force of the Bilateral Project Agreement under the Instrument for Pre-Accession Assistance ('IPA component III — regional development' operational programme 'Environment') concluded between the European Commission and the Government of the Republic of Croatia.

The project 'Sisak waste water programme' will be co-financed by EBRD.

Consequently clause 11 on eligibility does not apply and participation of candidates from third countries is authorised with regard to this project and in accordance with EBRD eligibility rules. The EBRD eligibility rules are defined in EBRD 'Procurement policies and rules', subclauses 2.6–2.9, and this document is available at the following website: <http://www.ebrd.com/downloads/procurement/ppr10.pdf>

31. **Date of dispatch of this notice:**
10.8.2012.