
WORKS CONTRACT NOTICE

NO_x emission reduction at the TPP Nikola Tesla Unit A4

Location - Republic of Serbia

1. Publication reference

EuropeAid/137765/IH/WKS/RS

2. Procedure

Open

3. Programme title

The Country Action Programme for Serbia under the Instrument for Pre-accession Assistance (IPA II) for the year 2014

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

CONTRACT SPECIFICATIONS

6. Description of the contract

The main goal of this project is to enable the unit A4 boiler plant at Thermal Power Plant Nikola Tesla A to have nitrogen oxide emissions reduced to the level below 200 mg/Nm³, according to the expected future legislation. In order to achieve this, it is necessary to reconstruct the firing system (if necessary other parts too, in accordance with the technical solution of the Contractor) of the boiler plant in such a way, to carry out the reduction of existing nitrogen oxide emissions to the level below the aforementioned future legal framework. The purpose of this contract is to design according to the defined requirements, manufacture, delivery and installation of equipment and all necessary parts of the boiler unit, as well as the system for reducing nitrogen oxide emissions, including delivery and installation of materials and equipment for all mechanical, civil, electrical and all other works, which have to be done in order to put the whole system in a smooth operation and prove performance values of the boiler plant and nitrogen emission reduction facility. The project shall be implemented 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 natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) N°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 (see also heading 23 below) . Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below 100, 000 euros per purchased.

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 information meeting and site visit will be held on 05/12/2016 at 10:00h CET in TPP Nikola Tesla A4.

The tenderer will need to register for the site visit at the latest on 02/12/2016 until 14:00h CET writing to:

nemanja.isailovic@mre.gov.rs

ilija.cairovic@eps.rs

The meeting point will be in the premises of TPP Nikola Tesla A, 44, Bogoljuba Uroševića Crnog St, 11500 Obrenovac, Republic of Serbia.

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

Ten (10) months from the commencement date until the provisional acceptance.

SELECTION AND AWARD CRITERIA

16. 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:

Economic and financial capacity of candidate:

- a) The average annual turnover of the tenderer in the past 3 years must be at least EUR 12,000,000.
- b) 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 be at least EUR 4,000,000. The related evidence (statement from the bank or similar) shall clearly demonstrate that the financing is available for the concerned contract.

Non-Euro values should be converted to official Euro rate from:

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

Technical and professional capacity of candidate:

- 1) The tenderer must have completed as prime contractor at least 1 (one) contract with a value of at least EUR 4,000,000, including the design, fabrication, delivery, erection and commissioning of DeNOx system erected into existing boiler units in Lignite Power Plants, capacity minimum 200 MW, which was completed at any moment during the past 8 (eight) years from the deadline for submission of tenders. The Contract will be taken into consideration, only if it refers to DeNOx system which successfully achieved the level of NOx emission to meet at least the standards laid down in Council Directive 2010/75/EC.

This means that the project the tenderer 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.

The "minimum value" that will be taken into consideration is either the total project value, when the contractor was acting as sole contractor, or the share of the total project value corresponding to its share of the joint venture participation, when the contractor was member of a joint venture.

"As prime contractor" means that the tenderer (lead partner or a member of joint venture) must have undertaken at least 50% of the works in reference contracts.

"Completed" means the availability of a "Taking Over Certificate" or "Performance Certificate" (according to FIDIC rules), alternatively the availability of a "Provisional Acceptance Certificate" or "Final Acceptance Certificate" (according to PRAG rules). Copies of respective certificates signed by the relevant Supervisor or Contracting Authority or Employer of the contract concerned shall be submitted. These documents shall clearly demonstrate the compliance of the presented references with the above criteria (see also paragraph 22).

- 2) Tenderer must carry out at least 70% of the value 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.
- 3) The lead partner in a consortium/joint venture must be able to carry out at least 50% of the value of the contract works by its own resource/means.
- 4) Tenderer must have in place and apply a quality assurance system, as per ISO 9001.

Please note that before the contract commencement date the tenderer must demonstrate that he possesses proper company licenses according to the Serbian Law for the engineering and construction 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 undertaking 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 the Contracting Authority at 3-5 Sremska St, office 701, VII floor, Belgrade, Republic of Serbia on CD-ROM, free of charge. Opening hours of the Contracting Authority: 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 postal address:

Ministry of Finance
Department for Contracting and Financing of EU Funded Programmes (CFCU)
Sremska 3-5 St, VII floor, office 701
11000 Belgrade, Republic of 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 www.cfcu.gov.rs.

19. Deadline for submission of tenders

12:00 hrs CET on 23rd January 2017

The tender must be sent to the following address:

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

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

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

20. Tender opening session

14:00 hrs CET on 23rd January 2017 at the premises of the Contracting Authority (CFCU), 3-5 Sremska St., I floor, Conference room, 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 EUR 2,500,000 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.

23. Legal basis

Regulation (EU) N°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).