

## **Additional information about the Contract Notice**

### **Construction of wastewater treatment plants and (re)construction of wastewater collection networks in the cities of Brus and Blace**

#### **1. Nature of contract**

**Lot 1:** lump sum

**Lot 2:** unit price

#### **2. Programme title**

Annual Action Programme for Serbia under IPA 2017

#### **3. Financing**

Financing agreement

#### **4. 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 candidates/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) 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 (see also heading 'Legal basis' 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 EUR 100 000.

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 from, 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.

\*\* 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 apply.

A consortium may be a permanent, legally-established grouping or a grouping which has been constituted informally for a specific tender 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 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 applications or tenders

No more than one application 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 an application/tender). In the event that a natural or legal person submits more than one application or tender, all applications or tenders in which that person has participated will be excluded.

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

Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works or supplies required in the tender dossier.

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.

## 7. Tender guarantee

Tenderers must provide a tender guarantee of **EUR 130,000 for Lot 1 and EUR 80,000 for Lot 2** 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.

## 8. 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.

## 9. Information meeting and/or site visit

A mandatory information meeting and site visit will be held on 17/09/2021 at 12:00 CET.

The tenderer will need to register for the information meeting at the latest on 03/09/2021 until 14:00h CET writing to:

*Helga Stojanović* ([h.stojanovic@minpolj.gov.rs](mailto:h.stojanovic@minpolj.gov.rs))

*Djordje Šundrić* ([djordje.sundric@minpolj.gov.rs](mailto:djordje.sundric@minpolj.gov.rs))

*Marta Mihailović* ([marta.mihailovic@minpolj.gov.rs](mailto:marta.mihailovic@minpolj.gov.rs))

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

## 10. Tender validity

Tenders must remain valid for a period of 3 months 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.

## 11. Shortlist alliances prohibited

August 2020

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N/A

**12. Grounds for exclusion**

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1. of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

**13. Sub-contracting**

Sub-contracting is allowed.

**14. Number of candidates to be short-listed**

N/A

**15. Provisional date of invitation to tender**

N/A

**16. Provisional commencement date of the contract**

May 2022

**17. Period of implementation of tasks**

**Lot 1:** 960 days from the Commencement date until the Taking Over and 365 days Defect Notification Period.

**Lot 2:** 450 days from the Commencement date until the Taking Over and 365 days Defect Notification Period.

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**SELECTION AND AWARD CRITERIA**

**18. Selection criteria**

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

**19. Award criteria**

**Lot 1:** The most economically advantageous tender is the technically compliant tender with the lowest price.

**Lot 2:** The most economically advantageous tender is the technically compliant tender with the lowest price.

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**APPLICATION AND TENDERING**

**20. 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 (CD-ROM), free of charge. Any person representing the potential tenderer can

August 2020

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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.

Any request for additional information must be made in writing through the TED eTendering website accessible from the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>. Registration on TED eTendering is required to be able to create and submit a question. Additional information can be requested by clicking "Create a question" in the Questions&Answers tab at least 21 days before the deadline for submission of tenders given in item '**Deadline for submission of applications or tenders**'. The questions and answers will be published on TED eTendering and CFCU website <http://www.cfcu.gov.rs/tenderi.php> at the latest 11 days before the submission deadline. The website will be updated regularly and it is the tenderer's responsibility to check for updates and modifications during the submission period.

## 21. Tender opening session

14:00 Central European Time on 25/10/2021, Conference room at the premises of the Contracting Authority (CFCU), I floor, 3-5 Sremska St., Belgrade 11000, Republic of Serbia

## 22. Applications format and details to be provided

N/A

## 23. How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope.

- Either by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

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

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

OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

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

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

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

Tenders submitted by any other means will not be considered.

By submitting a tender candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the tender form.

#### **24. Deadline for submission of tenders**

The candidate's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender that will serve as proof. In case the tender is submitted by post or private mail service, the candidates must inform Contracting Authority that the tender was sent and enclose a copy of the deposit slip by sending an email to address [ec@mfin.gov.rs](mailto:ec@mfin.gov.rs).

**The deadline for submission of tenders can be found in the Contract Notice under IV.2.2.**

Any tender sent to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time but received late, for any reason beyond the contracting authority's control, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

#### **25. Clarifications on the contract notice**

Any request for additional information must be made in writing through the TED eTendering website accessible from the F&T portal at <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>. Registration on TED eTendering is required to be able to create and submit a question. Additional information can be requested by clicking "Create a question" in the Questions&Answers tab at the latest 21 days before the deadline for submission of applications stated at section **IV.2.2) of the contract notice**.

Clarifications will be published on TED eTendering website and on CFCU website at <http://www.cfcu.gov.rs/tenderi.php> at the latest 11 days before the deadline for the submission of applications. The website will be updated regularly and it is the applicants responsibility to check for updates and modifications during the submission period.

#### **26. Alteration or withdrawal of tenders**

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with precedent item. The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

#### **27. Language of the procedure**

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

#### **28. Legal basis**

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).

#### **29. Additional information**

Financial data to be provided by the candidate in the standard application form or the tenderer in

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<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

the tender 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 July 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.