**Additional information about the Contract Notice**

**Supervision of Construction and upgrading of municipal waste water collection and treatment system in Brus and Blace municipalities**

**Location – Republic of Serbia**

1. **Nature of contract**

 **Fee-based**

1. **Programme title**

Annual Action Programme for Serbia for the year 2017

1. **Financing**

Financing agreement

1. **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.

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.

1. **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.**

1. **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.

1. **Tender guarantee**

**N/A**

1. **Performance guarantee**

**N/A**

1. **Information meeting and/or site visit**

No information meeting is planned

1. **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.

1. **Shortlist alliances prohibited**

**Any tenders received from tenderers having a different composition that the ones mentioned in the short-listed application forms will be excluded from this restricted tender procedure, unless prior approval from the contracting authority has been obtained – see practical guide 2.6.3. Short-listed candidates may not form alliances or subcontract to each other for the contract in question.**

1. **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.

1. **Sub-contracting**

Sub-contracting is allowed.

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

**On the basis of the applications received, between 4 and 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. If the number of eligible candidates meeting the selection criteria is more than the maximum allowed, the contracting authority will rank them using the re-examination criteria stated below.**

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

June 2021

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

November 2021

1. **Period of implementation of tasks**

47 months

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

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 if not specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors.

The selection criteria for each tenderer are as follows:

**1)** **Economic and financial capacity** **(**based on item 3 of the service application form, on item 3 of supply tender form). In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

1. the average annual turnover of the candidate for the last three years for which accounts have been closed must be at least 450,000 EUR
2. Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium this criterion must be fulfilled by each member.

**2)** **Professional capacity** (based on items 4 and 5 of the application form for service contracts and on items 4 and 5 of the tender form for supply contracts). The reference period which will be taken into account will be the last three years preceding the submission deadline.

a) At least 10 staff currently (in 2020) and on average during 2019 and 2018 works for the candidate in the field of supervision of construction works.

**3) Technical capacity** (based on items 5 and 6 of the application form for service contracts and on items 5 and 6 of the tender form for supply contracts). The reference period which will be taken into account will be the last five years from submission deadline.

a) The candidate has provided services of supervision in at least one contract with the proportion of the supervision services carried out by the legal entity being at least EUR 900.000 implemented at any moment during the reference period. Provided services of supervision shall be over the works contract implemented under FIDIC, PRAG or other contract conditions used by IFIs or based on national legislation of EU member state which includes:

1.) construction of the municipal waste water treatment plant with minimum secondary treatment level[[1]](#footnote-1) with capacity of at least 10.000 P.E.

And/or

2.) extension of the municipal waste water treatment plant with minimum secondary treatment level covering minimum civil works, installation and commissioning of additional technological line/train with capacity of extension of at least 10.000 P.E.

And/or

3.) reconstruction of the municipal waste water treatment plant with minimum secondary treatment level with capacity of at least 10.000 P.E. covering civil works, installation and commissioning with the value of the works at least 2 million EUR.

Note: Replacement of electrical or mechanical equipment will not be treated as sufficient experience.

**AND**

b) The candidate has provided services of supervision in at least one contract with the proportion of the supervision services carried out by the legal entity being at least EUR 450.000 implemented at any moment during the reference period. Provided services of supervision shall be over the works contract which includes construction or reconstruction of sewage network with a minimum length of 10 km implemented under FIDIC, PRAG or other contract conditions used by IFIs or based on national legislation of EU member state.

One reference project can cover any of the possible combination(s) of the above mentioned criteria.

Previous experience which caused breach of contract and termination by a contracting authority shall not be used as reference.

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. 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 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.

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 in order to rank their applications and identify the 8 best applications for the tender procedure. The only additional comparative criteria that which will be taken into consideration during this re-examination, in the order in which they appear below, are:

1) Total Number of the reference projects found eligible under criterion 18.3 and in case of equality on this criterion (in case one project covers both criteria 18.3.a) and 18.3.b), it will only be counted once during the re-examination), then

2) The value of the eligible part (the portion carried out by the candidate) of the projects found eligible under point 18.3.

**N.B.**: additional comparative criterion No 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional comparative criterion No 1, it is not possible to identify the 8 best candidates because two or more candidates are tied for the 8th position, additional comparative criterion No 2 shall be applied only to these tied candidates.

1. **Award criteria**

Best price-quality ratio.

**APPLICATION AND TENDERING**

1. **How to obtain the tender dossier**

N/A

1. **Tender opening session**

N/A

1. **Applications 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 from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

The application must be accompanied by a declaration on honour on exclusion and selection criteria using the template available from the following Internet address:

<https://ec.europa.eu/europeaid/prag/document.do?isAnnexes=true>

Any documentation (brochure, letter, etc.) sent with an application in addition to what has been requested will not be taken into consideration.

1. **How applications may be submitted**

Applications 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
Sremska St, 3-5, VII floor, office 701, Belgrade, 11 000
* Republic of Serbia
* 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
Sremska St, 3-5, VII floor, office 701, Belgrade, 11 000
* Republic of Serbia

The contract title and publication reference (see contract notice) 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.

By submitting an application 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 application form.

1. **Deadline for submission of applications**

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

In the first case, the application must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip[[2]](#footnote-2), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

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

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

The contracting authority may, for reasons of administrative efficiency, reject any application submitted on time but received, for any reason beyond the contracting authority's control, after the effective date of approval of the short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

1. **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*](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 at the latest 5 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.

1. **Alteration or withdrawal of applications**

Applicants 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 precedent item. The outer envelope (and the relevant inner envelope if used) must be marked ‘Alteration’ or ‘Withdrawal’ as appropriate.

1. **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**

Opening hours of the Contracting Authority: 8:00-15:00 CET.

 Please note that, in order to ensure efficient electronic correspondence with the Contracting Authority, candidates must provide e-mail addresses capable of receiving e-mails of at least 20 MB (twenty Megabytes), or else specify their inbox size

When filling in the Standard Application Form, and in particular items 3, 4, 5 and 6 therein, candidates must provide all information necessary to allow the Short-list Panel to assess their compliance with the selection criteria under points 18.1), 18.2) and 18.3). Particularly, Candidates are recommended to provide clear description of the overall services contract and full contract details in item 6 of the Standard Application Form, section “Detailed description of project”. In the section “Type of services provided” candidates are requested to separately, list only those activities which have been carried out by the candidates themselves, excluding activities carried out e.g. by other members of a previously formed consortium (who are not part of the application for this tender procedure. In case of completed projects or separate project components, completion dates must be clearly stated.

Any tenderer seeking to arrange individual meetings with the Contracting Authority and/or the government of the partner country and/or the Delegation of the European Union concerning this contract during the application period may be excluded from the application procedure.

Financial data to be provided by the candidate in the standard application 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 JANUARY 2021 which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

Candidates must be aware that the successful tenderer (all members, in case of consortium), as well as experts (Key and non-key) and sub-contractors for the service contract EuropeAid/140443/IH/SER/RS - “Technical assistance to IPA Units in the management and implementation of investment projects in the Environment sector“ will be excluded from the award of the supervision contract tendered under this Contract Notice.

The successful tenderer (all members, in case of consortium), as well as experts (Key and non-key) and sub-contractors for the service contract under this Contract Notice will be excluded from the award of service contract EuropeAid/140443/IH/SER/RS - “Technical assistance to IPA Units in the management and implementation of investment projects in the Environment sector“

With regard to the selection criteria under point 18.3, candidates have to draw attention on following:

Implemented at any moment during the reference period means that the project the candidate refers to could have been started or 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. Candidates are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still on-going, only the portion (e.g. relevant project stage or component for which taking-over or partial taking-over of completed works components by the Client/Employer has taken place) satisfactorily completed until the end of the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value. If a candidate has implemented the project in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used. Documentary evidence is not required at the application stage but will be requested with the invitation to tender.

1. Secondary level treatment means treatment of urban waste water by process in which the requirements established in Table 1 of Annex I of the Urban Waste Water Directive 91/271/EEZ are respected [↑](#footnote-ref-1)
2. It is recommended to use registered mail in case the postmark would not be readable. [↑](#footnote-ref-2)