

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

### **Supervision of Construction and FOPIP for municipal waste water collection and treatment system in Čačak**

#### **Location – Republic of Serbia**

**1. Nature of contract**

fee-based

**2. Programme title**

Annual Action Programme for the Republic of Serbia for the year 2020 – Part II

**3. Financing**

Financing agreement

**4. Legal basis, eligibility and rules of origin**

The legal basis of this procedure is 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)- See Annex A2 of the practical guide.

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 Article 8 of 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.

Participation is also open to international organisations.

Participation in procurement and grant procedures financed by the European Instrument for Democracy and Human Rights (EIDHR) and the Instrument contributing to Stability and Peace (IcSP)<sup>1</sup> is fully untied<sup>2</sup>.

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 in, 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).

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<sup>1</sup> Regulation (EU) No 230/2014 of the European Parliament and of the Council of 11 March 2014 establishing an instrument contributing to stability and peace (OJ L 77, 15.3.2014, p. 1).

<sup>2</sup> Article 11 CIR.

\*\*\*\* 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 participate or tender.

A consortium may be a permanent, legally established grouping or a grouping which has been constituted informally for a specific procurement 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 or tender 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 requests to participate or tenders**

No more than one request to participate 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 a request to participate or tender). In the event that a natural or legal person submits more than one request to participate or tender, all requests to participate or tenders in which that person has participated will be excluded.

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

## **7. Grounds for exclusion**

Candidates must submit a signed declaration, included in the request to participate 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 intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates 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.

## **8. Sub-contracting**

Sub-contracting is allowed.

## **9. Number of candidates to be short-listed**

On the basis of the request to participate 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.

## **10. Short-list alliances prohibited**

Any tenders received from tenderers having a different composition than the ones mentioned in the short-listed request to participate 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.

## **11. Provisional date of invitation to tender**

November 2023

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

April 2024

**13. Period of implementation of tasks**

52 months, including 12 months of DNP and 4 months for administrative issues and completion of documents.

**14. Language of the procedure**

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

**15. Additional information**

Financial data to be provided by the candidate in the request to participate form or in the tender submission 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 August 2023 which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

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.

In case the application is submitted by post or private mail service, the candidates must inform Contracting Authority that the application 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).

Opening hours of the Contracting Authority: 08:00-15:00 CET.

## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

#### Capacity-providing entities

An economic operator (i.e. candidate or tenderer) 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 the 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.

The following selection criteria will be applied to candidates. In the case of requests to participate 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 candidate shall not use previous experience which caused breach of contract and termination by a contracting authority as a reference for selection criteria.

The selection criteria for each tenderer are as follows:

- 1) Economic and financial capacity** (based on item 3 of the request to participate form, or 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.
  - The average annual turnover of the candidate over the last three years (for which accounts are closed) must be at least 600.000 EUR
  - 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 request to participate 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.

At least 15 staff currently work for the tenderer in the field related to the contract.

**3) Technical capacity** (based on items 5 and 6 of the request to participate 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 under at least two (2) project references (with the portion carried out by the candidate being at least 750.000,00 EUR in each reference) implemented at any moment during the reference period. Provided services of supervision shall be over the works contract performed under the FIDIC Yellow Book Conditions of Contract or similar conditions of contract (International Financial Institutions- IFIs or national legislation of EU member state), which includes:
1. **construction** of municipal wastewater treatment plant with capacity of at least 96.000 PE with at least secondary treatment level<sup>3</sup> and anaerobic digestion.  
or
  2. **extension** of the municipal wastewater treatment plant with total cumulative capacity of at least 96.000 PE (covering the process design preparation, construction, installation and commissioning of additional technological lines/trains).  
or
  3. **reconstruction/upgrade** of a municipal wastewater treatment plant, such reference must include preparation of process design, civil works, electro-mechanical and automation installation and commissioning with capacity of at least 96.000 PE.

At least one project must have reached provisional acceptance or received Taking Over Certificate.

**Note:** Supervision services for following works **will not** be considered as sufficient experience:

- **Renovation** of a WWTP by replacing the electro-mechanical and automation equipment;
- **Extension** of an existing WWTP comprising mainly of installation of sludge handling facilities except for situation described above;
- **Upgrading** of a WWTP by adding the effluent polishing step either incorporating e.g. membrane separation ( after secondary clarification or replacing secondary clarification) or incorporating sand filtration to refine the secondary treatment effluent, etc.

AND

- b) The candidate has provided services under at least two (2) project reference (with the portion carried out by the candidate being at least 200.000,00 EUR) implemented at any moment during the reference period. Provided services shall include preparation of Financial and Operational Performance Improvement Plans (FOPIP) for public body/authority in the field of water and/or waste water management.

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

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:

- a. the highest number of reference contracts that meet criterion 16.3) (in case one project covers both criteria 16.3.a) and 16.3.b) it will only be counted once during the reexamination)

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<sup>3</sup> Secondary treatment level 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/EEC are respected

b. cumulative total capacity of WWTPs supervised by the candidate of the contracts linked to project references that meet criterion 16.3)

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.

## 17. Award criteria

Best price-quality ratio

## PARTICIPATION

### 18. Requests to participate format and details to be provided

Requests to participate must be submitted using the request to participate form, the format and instructions of which must be strictly observed. The request to participate form is available from the following Internet address:

<https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes>

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

[https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA\(Ch.2\):General](https://wikis.ec.europa.eu/display/ExactExternalWiki/Annexes#Annexes-AnnexesA(Ch.2):General)

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

### 19. How requests to participate may be submitted

Requests to participate 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  
11000 Belgrade  
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  
3-5 Sremska St, VII floor, Office 701  
11000 Belgrade  
Republic of Serbia

The contract title and publication reference (see contract notice) must be clearly marked on the

envelope containing the request to participate and must always be mentioned in all subsequent correspondence with the contracting authority.

Requests to participate submitted by any other means will not be considered.

## **20. Deadline for submission of requests to participate**

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

In the first case, the request to participate must be sent before the date and time-limit for submission, as evidenced by the postmark or deposit slip<sup>4</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the request to participate that will serve as proof.

**The deadline for submission of requests to participate can be found in the Contract Notice under IV.2.2.** *Unless the Time Zone is specified in eTendering, the "Local Time" mentioned under IV.2.2 in the Contract Notice shall be understood as Central European Time (CET) which is the standard time in Brussels.*

Any request to participate sent to the contracting authority after this deadline will not be considered. The contracting authority may, for reasons of administrative efficiency, reject any request for participation 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 requests to participate that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

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

Any request for clarifications must be made in writing through the TED eTendering website accessible from the F&T portal<sup>5</sup>. This concerns request for clarifications about the contract notice and also request for clarifications about the content of the document called "Additional information to the contract notice." Registration on TED eTendering is required to be able to create and submit a question. Clarifications can be requested by clicking "Create a question" in the Questions & Answers tab at the latest 21 days before the deadline for submission of requests to participate stated at section **IV.2.2) of the contract notice.**

Clarifications will be published on TED eTendering website at the latest 8 days before the deadline for the submission of requests to participate. The website will be updated regularly and it is the candidates responsibility to check for updates and modifications during the submission period.

## **22. Outcome of the evaluation**

By submitting a request to participate 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 request to participate form.

## **23. Alteration or withdrawal of requests to participate**

Candidates may alter or withdraw their requests to participate by written notification prior to the deadline for submission of requests to participate. No requests to participate 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.

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<sup>4</sup> It is recommended to use registered mail in case the postmark would not be readable.

<sup>5</sup> <https://ec.europa.eu/info/funding-tenders/opportunities/portal/screen/home>