Document for completion by the contracting authority

to be submitted as **ANNEX to the tender dossier**

**WORKS CONTRACT NOTICE**

**Construction works in front of the sport-business centre in Bojnik**

**Bojnik** ‑ Serbia

1. **Reference**

CB007.2.11.098-WO1

1. **Procedure**

Simplified

1. **Programme title**

INTERREG IPA CBC Bulgaria - Serbia

1. **Financing**

The project is financed by the European Union, in accordance with the rules of INTERREG IPA CBC Bulgaria - Serbia programme.

The project is co-financed by Municipality of Bojnik.

1. **Contracting authority**

Municipality of Bojnik

Trg slobode 2-4, 16205 Bojnik, Serbia

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

Landscaping of the plateau in front of the sport centre and walk along Pusta reka River in Bojnik on property register no: 1770/3 and 4581/2 land registry Bojnik. Surface preview: 1. Parking lot for cars – 1.407,00 m²; 2. Parking lot for buses – 95.85 m²; 3. Pedestrian kerb – 135.88 m²; 4. Space for movable street furniture – 130.28 m²; 5. Entrance plateau and walkway – 590.63 m²; 6. Greenery – 278.16 m².

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

26.02.2020.

1. **Period of implementation of tasks**

12 months

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation in this tender procedure is open only to the invited tenderers.

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) 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 17 below). Participation is also open to international organisations. All goods purchased under the contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the breakdown of the lump-sum price (Volume 4.2.3) is below EUR 100 000.

Pleasebe aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries1 will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating1 from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating1 from the United Kingdom could be rejected from the procurement procedure*.*

1However, they may originate from any country when the amount of the supplies to be purchased is below EUR 100 000.

1. **Subcontracting**

**Subcontracting is allowed.**

Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in Section 2.6.10.1.1. (‘exclusion from participation in procurement procedures’) and Section 2.6.10.1.2. (‘rejection from a given procedure’) of the practical guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties up to 10% of the value of the contract and exclusion in accordance with the Financial Regulation in force.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

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. **Number of tenders**

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

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

### In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the 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:

***14.a Economic and financial capacity of candidate:***

**-** the average annual turnover of the tenderer in the past 3 years for which the accounts are closed must be at least of contract value.

***14.b Technical and professional capacity of candidate:***

* The tenderer must be a firm or a natural person duly registered to carry out the works specified under this contract.

it must carry out at least 70 % of the contract works using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.

if it is the lead member of a joint venture/consortium, it must be able to carry out at least 50% of the contract works using its own means.

* if it is a partner of a joint venture/consortium (i.e. not the lead member) it must be able to carry out at least 10% of the contract works using its own means.

All its key staff must have at least 5 years’ appropriate experience and proven qualifications relevant to works of a similar nature to this project.

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria.

If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

General requirements for the competence of key experts related to this Contract

Qualifications and licenses relevant to works of a similar nature to this project, according and/or comparable to Law on Planning and Construction of the Republic of Serbia (“Official gazette” of Republic of Serbia no. 72/09, 81/09, 64/10 and 24/11, 121/12, 42/13, 50/13 and 98/13132/201, 145/2014).

* **Civil Engineer/responsible work contractor** having a degree in “Civil engineering” or equivalent with appropriate certificate/licence for the works concerned by the tender, having minimum 5 years of professional experience

As a proof, the tenderer should attach proofs of engagement for key experts – (Work contract/ Service contract /Service contract on temporary and intermittent works agreement on business and/or technical cooperation/) that proofs that the expert will be engaged for this Contract.

Capacity-providing entities:

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. 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 by producing a 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be provided 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.

Financial data to be provided by the tenderer in relation to the selection criteria 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 **MONTH and YEAR** of the applicable InforEuro exchange rate, which can correspond to the month and year of the publication of the present contract, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. **Award criteria**

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

**TENDERING**

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in Section 2.5.6. of the practical guide.**

1. **Legal basis[[1]](#footnote-1)**

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 COMMISSION IMPLEMENTING REGULATION (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession assistance (IPA II).

Commission Decision C (2015) 5444 adopting INTERREG IPA Cross-border Cooperation Programme Bulgaria – Serbia

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.12. of the practical guide.

1. **Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-1)