Document for completion by the contracting authority

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

**WORKS CONTRACT NOTICE**

**Installation of prefabricated sport facilities – skating rink and sledge toboggan run under project CB007.2.12.034 “Improving the winter tourist offer in Sokobanja and Varshets municipalities – Winter Cross-Border Tour Varshets- Sokobanja” funded under Interreg – IPA-CBC Bulgaria-Serbia Programme**

**Municipality of Sokobanja, Zajecar District, Republic of Serbia**

1. **Reference**

CB007.2.12.034/PP2-TD05

1. **Procedure**

Simplified

1. **Programme title**

Interreg – IPA-CBC Bulgaria-Serbia Programme, CCI № 2014TC16I5CB007-2

1. **Financing**

INTERREG IPA Cross-border Cooperation Programme Bulgaria – Serbia was adopted by the European Commission with Decision No C(2015) 5444 on 30th of July 2015. Project No is CB007.2.12.034, Contract No РД-02-29-89/16.05.2019

1. **Contracting authority**

**Municipality of Sokobanja**

**Svetog Save 23**

**18230 Sokobanja, Serbia**

**Contact person: Ljubinko Milenkovic +381 18 830 030**

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

In relation of need to develop winter tourist offer in Sokobanja, the subject of the contract is setting up of a temporary prefabricated sports facility on the cadastral plot 5639/1 in KO Sokobanja.

This temporary sport facility will consist of two parts: ice rink and sledding toboggan run. It is planned to use the facility for more seasons, 7-10 years. The rink is designed from synthetic ice, dimension of sliding plates 14x16m. A protective ring fence should be mounted around the sliding rink. The toboggan run is designed as a slope made of a steel framework, a wooden platform, a sliding surface for sledding made of synthetic ice panels, barriers which shape the trails and a protective fence.

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

15 November 2019.

1. **Period of implementation of tasks**

60 days from contract signature

**TERMS OF PARTICIPATION**

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 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.

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 from the construction activities of the tenderer in the past 3 years (2016, 2017 and 2018 ) must be at least the value of the tenderer’s offer;
* that the tenderer, in the last six months preceding the month in which the Call for Proposals was published, was not illiquid

Proof : the tenderer has to present “Izveštaj o bonitetu” for public procurements (Form БОН-ЈН) issued by the Serbian Business Registers Agency, which has to comprise the following:

* + status of the tenderer
  + concise balance sheets and profit&loss account for the last 3 years (2016, 2017 and 2018).
  + If the prudential Report does not contain information on the days of liquidity in the last six months preceding the month in which the Call for Proposals was published on the Portal, the Tenderer shall submit the Certificate of the National Bank of Serbia that the tenderer in the last six months preceding the month in which the Call for Proposals was published on the Public Procurement Portal, it was not illiquid.

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

• Tenderer must have completed at least 3 projects of the same nature OR amount OR complexity as the works concerned by the tender and implemented during the following period: max 5 years before from the 31st Jun 2019. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance (“Zapisnik o tehničkom prijemu”) or final invoices (“Okončana situacija”) signed by the supervisors OR contracting authority of the projects concerned.

• to have enough personnel capacity as follows :

o Minimum 3 employees on limited or unlimited time; *Proof - Extract from a single tax return for tax and deductible contributions, (first page of Form PPP – PD) for the month preceding the month of the invitation to tender, or Employment contract, or Temporary and casual contract*

o To have 1 **responsible contractors** -graduated engineer with personal license, on limited or unlimited time or contracted with personal license 800 or 410 or 411

Proof: a copy of a personal license issued by the Serbian Chamber of Engineers, a certificate on the validity of the license and evidence of working status

Qualifications and licence relevant to works of a similar nature to this project, according and/or comparable to Law on Planning and Construction of 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 98/13, 132/2014, 145/2014, 83/2018, 31/2019 i 37/2019 )

*The mentioned requirements for the human capacity must be proven by fully describing equipment with the tender Form 4.6.1.2 and Form 4.6.1.3 in Volume 1, section 4 of the tender dossier with attached* proofs of engagement for **personnel capacity** – copy of working log book or some other contract (Service Contract (“Ugovor o delu”), Service Contract on temporary and intermittent works (“Ugovor o obavljanju privremenih i povremenih poslova”)…) that proofs that the person shall be engaged for this Contract, plus the Statement that the engaged expert shall be available for this Contract under procurement. If, in the engagement contract, is not mentioned explicitly this Contract under this procurement, than the engagement should be annexed and signed by both parties stating that the engaged expert shall be available for this Contract.

* **The tenderer must have the necessary technical capacity, i.e. machines, equipment, to fulfil the works. If the tenderer does not have the necessary equipment, he must declare that he will hire it and the minimum must include:**
* ***1 a small delivery vehicle***

*The mentioned requirements for the tecnical capacity must be proven by fully describing equipment with the tender Form 4.6.2 in Volume 1, section 4 of the tender dossier with attached Manufacturer’s documents, which indicate whether this equipment is owned, hired or used by a subcontractor.*

If a tender is submitted by a consortium the selection criteria for technical and professional capacitywill be applied for the consortium as a whole.

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 RSD. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to RSD shall be made in accordance with the InforEuro exchange rate of September 2019, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

***If a tender is submitted by a consortium the selection criteria of point 14.b.3 for technical and professional capacity will be applied for the consortium as a whole***

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 Interreg – IPA-CBC Bulgaria-Serbia Programme, CCI № 2014TC16I5CB007-2 (e.g. DCI, ENPI, ENI, Ifs) - See Annex A2 of the practical guide.

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. 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)