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**Serbia-Belgrade: Engineering works and construction works  
2022/S 085-228605**

**Contract notice**

**Works**

**Legal Basis:**

EIB Guide to Procurement

**Section I: Contracting authority**

**I.1) Name and addresses**

Official name: Ministry of Construction, Transport and Infrastructure

Postal address: Nemanjina 22-26

Town: Belgrade

NUTS code: RS Srbija/Србија / Serbia

Postal code: 11000

Country: Serbia

Contact person: Veljko Kovacevic

E-mail: [veljko.kovacevic@mgsi.gov.rs](mailto:veljko.kovacevic@mgsi.gov.rs)

Telephone: +38 1113628874

**Internet address(es):**

Main address: [www.mgsi.gov.rs/](http://www.mgsi.gov.rs/)

**I.3) Communication**

The procurement documents are available for unrestricted and full direct access, free of charge, at: <http://www.mgsi.gov.rs/>

Additional information can be obtained from the abovementioned address

Tenders or requests to participate must be submitted to the abovementioned address

**I.4) Type of the contracting authority**

Ministry or any other national or federal authority, including their regional or local subdivisions

**I.5) Main activity**

Other activity: Shipwrecks and UXO removal

**Section II: Object**

**II.1) Scope of the procurement**

**II.1.1) Title:**

Removal of the sunken German fleet from the Danube River near Prahovo

Reference number: EIB-GtP/404-02-25/2022-06

**II.1.2) Main CPV code**

45220000 Engineering works and construction works

**II.1.3) Type of contract**

Works

**II.1.4) Short description:**

The Contracting Authority/Employer shall be the Ministry of Construction, Transport and Infrastructure. The scope of the contract includes works on the Removal of sunken German Fleet from the Danube River near

Prahovo, to be implemented under the FIDIC Turn-Key contract conditions (FIDIC Silver Book, Second Edition, 2017) and Serbian Law of the following Works. The scope of the Works Contract refers to removal of 21 sunken vessels from the Second Works War from the Danube River near Prahovo, from km 862 to km 857. The project area also contains a number of identified UXO. The purpose of the project is to ensure fairway parameters for safe inland navigation, in accordance to the international waterway Class VII requirements.

Financing - Finance Contract for Serbian Inland waterway infrastructure between the Republic of Serbia and European Investment Bank ("Official Gazette of RS", No. 2/19), and WBIF Grant in accordance with the Grant Agreement.

II.1.5) **Estimated total value**

II.1.6) **Information about lots**

This contract is divided into lots: no

II.2) **Description**

II.2.3) **Place of performance**

NUTS code: RS Srbija/Србија / Serbia

Main site or place of performance:

NUTS code: RS REPUBLIKA SRBIJA /РЕПУБЛИКА СРБИЈА

Republic of Serbia, the Danube River from km 862 to km 857

II.2.4) **Description of the procurement:**

Rules

Firms originating from all countries of the world are eligible to tender for works, goods and services contracts. The rules are in conformity with the provisions of the Laws of Serbia, in particular the Law on Public Procurement, Official Gazette of RS, No. 91/2019, the European Investment Bank (EIB) Guide to Procurement, which can be downloaded from: [https://www.eib.org/attachments/strategies/guide\\_to\\_procurement\\_en.pdf](https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf), the EIB's Anti-Fraud Policy which can be downloaded from: <http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>; the EIB's Exclusion Policy document of 21 February 2018, which can be downloaded from: <http://www.eib.org/infocentre/publications/all/exclusion-policy.htm>, The Practical Guide for EU External Actions- A Practical Guide-August 2021, (the PRAG), (2 envelope tender submission) which is applicable to this call (available at: <http://ec.europa.eu/europeaid/prag/>

Pursuant to its Sanctions Policy, the EIB shall not provide finance, directly or indirectly, to or for the benefit of an individual or entity that is subject to financial sanctions imposed by the EU, either autonomously or pursuant to the financial sanctions decided by the UN Security Council on the basis of article 41 of the UN Charter.

The EIB also requires that candidates, tenderers, (sub-) contractors participating in a tender procedure or a contract under an EIB financed project shall not violate or have violated any intellectual property rights.

Grounds for exclusion

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the PRAG, Version December 2021.

In addition, as a part of their applications, candidates must submit a signed declaration, to the effect that they are not in any of the exclusions situations listed in the Guide to Procurement for projects financed by the European Investment Bank, September 2018 ([https://www.eib.org/attachments/strategies/guide\\_to\\_procurement\\_en.pdf](https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf)), Section 1.4 (Ethical Conduct), Section 1.5 (Conflict of Interest), Section 1.7 (mandatory compliance with EIB's environmental and social safeguards), and that they comply with Anti-fraud

policy of the European Investment Bank (<http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>). Such declaration is to be signed by Consortium and each Consortium member (including Consortium leader). Candidates will submit as a part of their applications, signed Covenant of Integrity – template available in EIB Guide to Procurement, Annex 3), and Environmental and Social Covenant (E&S Covenant template is available in EIB Guide to Procurement, Annex 7). It should be noted that, in the Covenant of Integrity, the tenderer is requested to self-declare all sanctions and/or exclusions (including any similar decisions having the effect of imposing conditions on the tenderer or its subsidiaries or to exclude the said tenderer or its subsidiaries, such as temporary suspension, conditional non-exclusion, etc.) imposed by the European institutions or any multilateral development banks (including the World Bank Group, the African Development Bank, the Asian Development Bank, European Bank for Reconstruction and Development, European Investment Bank or Inter-American Development Bank), regardless of the date of issue and the expiration or not of such decisions and of the current status of any sanction and/or exclusion. In this regard, any omission or misrepresentation, made knowingly or recklessly, may be considered as fraud under the EIB Anti-Fraud Policy. Therefore, the Client reserves the right to reject any offer presenting an inaccurate or incomplete Covenant of Integrity, and may cause the rejection of the offer for prohibited conduct. Covenant of Integrity and Environmental and Social Covenant are to be signed by Consortium and each Consortium member (including Consortium leader).

II.2.5) **Award criteria**

Price is not the only award criterion and all criteria are stated only in the procurement documents

II.2.6) **Estimated value**

II.2.7) **Duration of the contract, framework agreement or dynamic purchasing system**

Duration in months: 60

This contract is subject to renewal: no

II.2.10) **Information about variants**

Variants will be accepted: no

II.2.11) **Information about options**

Options: no

II.2.13) **Information about European Union funds**

The procurement is related to a project and/or programme financed by European Union funds: no

II.2.14) **Additional information**

Subsequent to initial contract resulting from the current tender procedure, new Works consisting in the repetition of similar Works, up to the estimated amount of 10% of Accepted Contract Amount, may be entrusted to initial contractor by negotiated procedure without prior publication of CN, in accordance with PRAG, provided the new services or works are in conformity with the same basic project.

**Section III: Legal, economic, financial and technical information**

III.1) **Conditions for participation**

III.1.1) **Suitability to pursue the professional activity, including requirements relating to enrolment on professional or trade registers**

List and brief description of conditions:

The Tenderer must be a registered firm or legal person capable of carrying out the Works. In case of a consortium, this requirement applies to consortium as a whole.

At the moment of Tender submission, the Tenderer shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which he is established (or equivalent) for the execution of the Works. In case of a consortium, this requirement applies to consortium as a whole.

The CA may ask the candidates for any clarification needed to assess their applications, but no amendment to the substance of the application can be accepted after the opening of the applications.

By submitting Application, applicant accepts 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 CA sends it to the electronic address referred to in the Application. The CA will inform all Applicants simultaneously and individually on the shortlist decision, and include summary of the relevant reasons for that decision.

Clarifications

Applicants may submit questions in writing up to 17 days before the deadline for submission of applications, specifying the publication reference and the contract title, to the address stipulated in the Section I: Procuring entity.

CA shall provide clarifications within a week. Any clarification of the tender dossier will be published on the Ministry of Construction, Transport and Infrastructure website <https://www.mgsi.gov.rs/cir/odsek/razvoj-rechne-transportne-infrastruktura> at the latest 11 calendar days before the deadline for submitting applications. The contracting authority has no obligation to provide additional information after this date. The CA cannot give a prior opinion on the assessment of the application.

Modification to the CN

The contracting authority may amend the CN up to 11 days before the deadline for submission of Applications. Any modification of the CN will be published on the Ministry of Construction, Transport and Infrastructure website <https://www.mgsi.gov.rs/cir/odsek/razvoj-rechne-transportne-infrastruktura> at the latest 11 calendar days before the deadline for submitting applications.

### III.1.2) **Economic and financial standing**

List and brief description of selection criteria:

Economic and Financial Standing

1. The average annual turnover of the candidate over the last three closed financial years prior to submission deadline must be at least 10 000 000 EUR;
2. The average current ratio (current assets/current liabilities for each year) over the same three year period must be >1.0

Admissible documentary evidence showing the financial situation of the company and its access to credit facilities must be provided within the Application.

### III.1.3) **Technical and professional ability**

List and brief description of selection criteria:

#### Technical Ability

The candidate has provided services/works, during the reference period, of at least three (3) contracts, as follows:

- a) One contract in the field of demining (detection/discovery and removal) of Unexploded ordinances (UXOs) or Explosive remnants of war (ERWs) in the value of at least 20.000.000 EUR
- b) One contract in the field of in underwater investigations of sunken vessels and underwater UXOs or ERWs of similar complexity. Similar complexity refers to a number of at least 10 sunken vessels and at least 50 underwater UXOs or underwater ERWs, being executed on navigable rivers
- c) One or more contracts for at least two vessels salvaged on rivers out of which one vessel should not be with length less than 70m and weight of 300 tons, with highest point of the vessel lying at least 2,5m under the water surface

The reference period for this contract is last 15 years from the submission date.

Applicants are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. Only the portion satisfactorily completed during the reference period (although started earlier) will be taken into consideration. This portion will have to be supported by documentary evidence (statement or certificate from the entity that awarded the contract or proof of final payment) also detailing its value. If applicant has implemented the project in a consortium, the percentage that the applicant has completed will be taken in consideration.

Admissible documentary evidence must be provided for all references indicated in the Application form.

An economic operator may rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. In that case it must prove to the CA that it will have at its disposal the resources necessary for performance of the contract through a commitment by those entities placing those resources at its disposal. Such entities, must comply with the same rules of eligibility as the economic operator relying on them and with the selection criteria for which the economic operator relies on them. The data for this third entity for the relevant selection criterion should be included in a separate document. Evidence will also have to be provided when requested by the CA.

For the 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.

For the economic and financial criteria, the entities upon whose capacity the economic operator relies, become jointly and severally liable for the contract performance.

If more than 6 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of their applications must be re-examined in order to rank them and identify the best 6. Additional criteria during re-examination are:

- 1) highest number of projects that meet criteria b)
- 2) highest cumulative value of all the projects that meet criteria a).

Additional criterion 1 shall be applied to all the eligible candidates that meet the selection criteria. If, after applying additional criterion No 1, it is not possible to identify the 6 best candidates because two or more candidates are tied for the 6th position, criterion 2 shall be applied only to these candidates.

Material deviation(s)/omission(s) that will result in the rejection of the Application are failure to:

- provide signed Application form;
- provide signed declarations indicated in the point 3 of the Application form;
- provide reference(s)/certificate(s) about the financial situation of the company and its access to credit facilities;
- provide admissible documentary evidence for all references indicated in the Application form;
- respond to the clarification request sent by the CA during the evaluation process, within the time limit set.

#### III.2) **Conditions related to the contract**

##### III.2.2) **Contract performance conditions:**

The Works Contractor has to perform, inter alia, the following activities and tasks:

- Detailed design and working drawings approved by the Engineer according to tender programme
- Timely procurement of all items of materials and equipment
- Execution of the Works in full compliance with FIDIC Silver Book 2017 and national and international legislation, particularly Law on Planning and Construction, OGRS 9/2020 and Safety and Health legislation.
- Application of all safety measures, application of all environmental protection and social mitigation measures, provision of all specified manuals, and execution of specified trainings, in full, during the period of the contract
- Completed all Works to Employers Requirements and to budget, and Taking over Certificate issued at the end of month 60 of the contract.

#### **Section IV: Procedure**

##### **IV.1) Description**

###### **IV.1.1) Type of procedure**

Restricted procedure

###### **IV.1.3) Information about a framework agreement or a dynamic purchasing system**

###### **IV.1.8) Information about the Government Procurement Agreement (GPA)**

The procurement is covered by the Government Procurement Agreement: no

##### **IV.2) Administrative information**

###### **IV.2.1) Previous publication concerning this procedure**

Notice number in the OJ S: [2022/S 062-162084](#)

###### **IV.2.2) Time limit for receipt of tenders or requests to participate**

Date: 06/06/2022

Local time: 12:00

###### **IV.2.3) Estimated date of dispatch of invitations to tender or to participate to selected candidates**

Date: 08/07/2022

###### **IV.2.4) Languages in which tenders or requests to participate may be submitted:**

English

###### **IV.2.6) Minimum time frame during which the tenderer must maintain the tender**

Duration in months: 3 (from the date stated for receipt of tender)

#### **Section VI: Complementary information**

##### **VI.1) Information about recurrence**

This is a recurrent procurement: no

##### **VI.3) Additional information:**

Application form can be obtained from the Contracting Authority at the web address: <https://www.mgsi.gov.rs/cir/odsek/razvoj-rechne-transportne-infrastruktura>

###### **1) Appeals**

Any party having or having had an interest in obtaining a particular contract and who has been or risks being harmed by an alleged infringement of the Guide to Procurement may submit a complaint to the EIB's Procurement Complaints Committee (PCC) as per Annex 8 of the EIB's Guide to Procurement.

Complaints are to be submitted by mail or electronic mail (please complete the Complaint Form and send it to [procurementcomplaints@eib.org](mailto:procurementcomplaints@eib.org) .)

Without prejudice to other remedies and, in particular, without altering the time-limits for bringing actions set out in "2) Ordinary Actions", where a candidate, tenderer or applicant believes he/she has been adversely affected by a material error or irregularity allegedly committed as part of a selection or procurement procedure, or that the procedure was vitiated by any maladministration, he/she may file a complaint to the Contracting Authority

(CA). The complaint must be material, and its sole subject shall not be to obtain a second evaluation for no reason other than the complainant disagrees with the final award decision.

2) Ordinary Actions

When a candidate, tenderer or applicant believes he/she has been adversely affected by an error or irregularity allegedly committed as part of a selection procedure or procurement, he may also file ordinary actions, provided the conditions are met. The action shall be launched in accordance with the rules of the Republic Commission for the Protection of Rights in Public Procurement Procedures, within the Law on Public Procurement, OGRS, No. 91/2020.

3) Data Protection

Processing of personal data related to this tender procedure by the CA takes place in accordance with the national legislation of the Republic of Serbia.

4) Information on the dates and timing

PIN publication date: 29/03/2022

Deadline for receipt of applications: 06/06/2022, 12:00 local time

Public opening ceremony: 07/06/2022 at 10:00 AM (local time), at Ministry of Construction, Transport and Infrastructure, Nemanjina 22, 11000 Belgrade, Serbia, floor 11, room 13.

Other relevant information shall be provided within the tender dossier distributed to short listed candidates.

5) Submission of applications

Applications must be submitted in English (in hard copy) exclusively to the CA 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

OR

- hand delivered by the candidate in person or by an agent directly to the premises of the CA in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to the address stipulated in the Section I: Procuring entity.

The contract title "Removal of the sunken German fleet from the Danube River near Prahovo" and the Publication reference No. 404-02-25/2022-06 must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the CA.

Applications submitted by any other means will not be considered.

All applications received after the deadline for submission specified in this CN will be returned to the sender unopened. No liability can be accepted for late delivery of Applications. Late applications will be rejected and will not be evaluated.

VI.4) **Procedures for review**

VI.4.1) **Review body**

Official name: Republic Commission for Protection of Rights in Public Procurement Procedures

Postal address: Nemanjina 22-26

Town: Belgrade

Postal code: 11000

Country: Serbia

VI.5) **Date of dispatch of this notice:**

27/04/2022