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**Serbia-Belgrade: EIB - Supervision of the rehabilitation and construction  
of the Bulk and General Cargo Terminal of the Port of Smederevo  
2020/S 008-012817**

**Republic of Serbia**

**Service Contract Notice**

1. **Publication reference**  
342-01-1045/2019-06
2. **Procedure**  
Restricted  
Note that the guide to procurement for projects financed by the EIB from September 2018 ([https://www.eib.org/attachments/strategies/guide\\_to\\_procurement\\_en.pdf](https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf)) is applied to this tender, while tender document templates are from the PRAG (Practical Guide for Procurement And Grants for European Union external actions – July 2019).
3. **Programme title**  
Serbian Inland Waterway Infrastructure Finance Contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia — International Contracts, No 02/2019)
4. **Financing**  
Serbian Inland Waterway Infrastructure finance contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia – International Contracts, No 02/2019) – 50 % EIB and 50 % state budget of the Republic of Serbia.
5. **Contracting Authority**  
Ministry of Construction, Transport and Infrastructure, Nemanjina 22-26, 11000 Belgrade, REPUBLIC OF SERBIA  
Tel: +381 113628874, Fax: +381 11 3616360

**Contract Specification**

6. **Nature of contract**  
Fee-based
7. **Contract description**  
Supervision services according to the FIDIC Contract conditions (the FIDIC Engineer) and relevant national legislation for the rehabilitation of the existing port area and quay of approx. 3.8 ha and 170 m respectively and construction of a new part of the port terminal for bulk and general cargo of an area of approx. 21 ha and a quay length of approx. 670 m, as downstream extension of the existing port area. The works to be supervised include the access road and port infrastructure and utilities (e.g. internal roads and railways, sewerage, water, power supply). The existing port facilities shall be operational during the works. The contract will be managed according to the FIDIC Conditions of contract for construction for building and engineering works designed by employer (FIDIC RED Book, First Edition 1999).
8. **Number and titles of lots**  
One lot only.
9. **Maximum budget**

2 500 000 EUR

The currency of the tender is EUR. The prices must be quoted by the tenderers entirely in Euro.

Any bid which overreaches the published maximum budget of the contract will be automatically rejected.

### **Conditions of participation**

#### **11. Eligibility**

Participation is open to all natural persons and firms (participating either individually or in a grouping — consortium — of tenderers) originating from all countries of the world.

#### **12. Candidature**

All eligible natural and legal persons (as per item 11 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 members of a consortium (i.e., the leader and all other members) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person (as per item 11) 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.

#### **13. Number of applications**

No more than 1 application can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than 1 application, all applications in which that person has participated will be excluded.

#### **14. Shortlist alliances prohibited and clarification procedure prior to shortlisting**

Any tenders received from tenderers comprising firms other than those mentioned in the shortlisted application forms will be excluded from this restricted tender procedure unless prior approval from the contracting authority has been obtained (see practical guide – PRAG, Version 2019.0, 15.7.2019 – 2.6.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

If the contracting authority, either on its own initiative or in response to a request from a potential candidate, provides additional information on the contract Notice, it must send such information electronically to the tenderer and at the same time made the answer publically available at the website of the contracting authority (<https://www.mgsi.gov.rs/cir/odsek/razvojrečne-transportne-infrastruktura>).

Tenderers may submit questions electronically, up to 10 days before the deadline for submission of applications, specifying the publication reference and the contract title, to the following email address: [veljko.kovacevic@mgsi.gov.rs](mailto:veljko.kovacevic@mgsi.gov.rs).

Any clarification of the contract notice will be communicated electronically to the tenderer and simultaneously made available at the website of the contracting authority, not later than 7 calendar days after the question was submitted by the tenderer.

#### **15. 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 2019.0, 15.7.2019, as well as 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) and section 3.6 (Prohibited Conduct – Covenant of Integrity), Anti-fraud policy

of the European Investment Bank (<http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>) and Exclusion Policy of the European Investment Bank (<https://www.eib.org/en/publications/exclusion-policy>). Pursuant to its sanctions policy, the Bank 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 United Nations Security Council on the basis of article 41 of the UN Charter.

16. **Sub-contracting**

Subcontracting is allowed. Subcontracting is limited to forty percent (40 %) of the contracted value.

17. **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.

**Provisional timetable**

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

February 2020.

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

May 2020.

20. **Initial period of implementation of tasks**

42 months (30 months implementation and 12 months defects notification period).

**Selection and award criteria**

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

1) Economic and financial capacity of candidate (based on item 3 of the application 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 3 years for which accounts have been closed.

(a) the average annual turnover of the candidate over the last 3 years (2016, 2017 and 2018) must be at least 2 000 000 EUR;

(b) the average current ratio (current assets/current liabilities) over the last 3 years (2016, 2017 and 2018) must be greater than 1 (>1);

2) Professional capacity of candidate (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last 3 years immediately before the submission deadline.

(a) at least 10 permanent staff currently working in the field of construction engineering. Permanent staff is considered as staff whose employment is not based on any kind of fixed term contracts having a preset end by reference to a specific date or on completion of a given task.

3) Technical capacity of candidate (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last 8 years immediately before the submission deadline.

The candidate must have provided services in at least 1 contract for supervision of the construction and/or reconstruction and/or extension of inland waterway ports including the relevant port infrastructure comparable to the scope of the subject contract (at least but not limited to quays, internal roads and utilities) and at least 1 contract for supervision of the construction and/or reconstruction and/or extension of sea ports including the relevant port infrastructure comparable to the scope of the subject contract (at least but not limited to

quays, internal roads and utilities), both executed under FIDIC (The International Federation of Consulting Engineers) conditions or similar contract conditions such as those used by the World Bank/European Bank for Reconstruction and Development/Council of Europe Development Bank/European Investment Bank and other international financial institutions minimum value of the reference supervision projects shall be 500 000 EUR, while at least 1 reference supervision project shall have the value of not less than 2 000 000 EUR. Reference projects have to be confirmed by the taking-over certificates or adequate documents confirming completion and acceptance of the works and have to be implemented at any moment during the reference period. This 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/tenderers 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 satisfactorily completed during the reference period although started earlier 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/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer 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.

Previous experiences which caused a 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.

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, for example by producing a commitment on the part of 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 must fulfil the same relevant selection criteria as the economic operator. 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 works or services 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.

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 to identify the eight best candidates. The only factor which will be taken into consideration during this re-examination is the highest cumulative value of the supervision contracts in criteria 3.

22. **Award criteria**  
Best price-quality ratio.

#### **Application**

23. **Deadline for submission of applications**  
The candidate attention is drawn to the fact that there are 2 different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In both cases, the application must be received by the contracting authority before the date and time limit for submission, as evidenced by the postmark or deposit slip(1), 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.

15.30 CET on 14.2.2020

Any application received by the contracting authority after this deadline will not be considered.

(1) It is recommended to use registered mail in case the postmark would not be readable.

24. **Application 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:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=B>

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

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

The application must be accompanied by declarations, signed by authorized person of the tenderer (in case of a consortium, all declarations must be signed by authorized persons of all members of the consortium) from 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)), including the Covenant of Integrity (Annex 3), Environmental and Social Covenant (Annex 7) and General Declaration with the following text: 'We declare that we are familiarised with 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)), including section 1.4 (Ethical Conduct), section 1.5 (Conflict of Interest), section 3.6 (Prohibited Conduct – Covenant of Integrity), Anti-fraud policy of the European Investment Bank (<http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>) and Exclusion Policy of the European Investment Bank (<https://www.eib.org/en/publications/exclusion-policy>).'

Any additional documentation (brochure, letter, etc.) sent with an application will not be taken into consideration.

25. **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 Construction, Transport and Infrastructure, Nemanjina 22-26, 11000 Belgrade, REPUBLIC of SERBIA, or

— hand delivered by the candidate 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 Construction, Transport and Infrastructure, Nemanjina 22-26, 11000 Belgrade, REPUBLIC of SERBIA

Attn: Mr. Veljko Kovacevic, Tel: +381 113628874,

Opening hours: 07.30-15.30 CET (working days only – Monday to Friday)

The contract title and the publication reference (see item 1 above) 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.

26. **Alteration or withdrawal of applications**

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25.

The outer envelope (and the relevant inner envelope if used) must be marked 'Alteration' or 'Withdrawal' as appropriate.

27. **Operational language**

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

28. **Date of publication of prior information notice**

11.11.2019

29. **Legal basis(2)**

Serbian Inland Waterway Infrastructure finance contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia – International Contracts, No 02/2019)

(2) Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).

30. **Additional information**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint to the contracting authority.

Body responsible for appeal procedures is the Republic Commission for the Protection of Rights in Public Procurement Procedures (Nemanjina 22-26, 11000 Belgrade, Republic of Serbia).

Service from which information about lodging of appeals may be obtained is the Ministry of Construction, Transport and Infrastructure (Nemanjina 22-26, 11000 Belgrade, Republic of Serbia, phone: 00 381113628874, email: [veljko.kovacevic@mgs.gov.rs](mailto:veljko.kovacevic@mgs.gov.rs) , [www.kjn.gov.rs](http://www.kjn.gov.rs)).

Without prejudice to other remedies and, in particular, without altering the time-limits for bringing actions set out in paragraph 16.1, 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. 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.

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 conditions and deadlines fixed by the national legislation of the contracting authority.

Candidates should alert the promoter in writing, with a copy to the European Investment Bank to [procurementcomplaints@eib.org](mailto:procurementcomplaints@eib.org) in case they should consider that certain clauses or provisions of the tender might limit international competition or introduce an unfair advantage to some candidates.