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**Serbia-Belgrade: EIB - Supervision of the Upgrade of the Iron Gate I Navigational Lock  
2018/S 179-404489**

**Location: HPP Djerdap 1, Republic of Serbia**

**Republic of Serbia – Ministry of Construction, Transport and Infrastructure**

**Service contract notice**

**1. Publication reference**

404-02-00090/2018-06

**2. Procedure**

Restricted

**3. Programme title**

TEN-T Rhine Danube Corridor

**4. Financing**

The Ministry of Construction, Transport and Infrastructure (MCTI), in accordance with the Law on Budget for 2018 of the Republic of Serbia, has applied for financing to the European Investment Bank (EIB) for a framework loan on development of river transport infrastructure, with approved co-financing from the EU/CEF Transport Sector Grant for the scheme "Upgrade of the Iron Gate 1 Navigation Lock" in accordance with the Grant Agreement No INEA/CEF/TRAN/A2016/1356685.

**5. Contracting Authority**

Ministry of Construction, Transport and Infrastructure, Nemanjina 22-26, 11000 Belgrade, Republic of SERBIA,  
Tel: +381 11 362 8874, Fax: +381 11 3616360

**Contract specification**

**6. Nature of contract**

Fee-based

**7. Contract description**

The scope of the contract includes the contract management and supervision services (acting as the FIDIC Engineer) according to the FIDIC Conditions of Contract for Plant and Design Build (FIDIC "Yellow Book", First Edition 1999) and relevant national and international legislation.

The scope of the Works Contract to be managed and supervised by the awarded bidder refers to upgrading the two stage lock on the Danube River at Iron Gate I at km D 943 (the two stage existing locks are each 310 m long per stage and 34 m wide) and it includes the development of the detail design, upgrade works and equipment replacement for the relevant elements of the navigation lock infrastructure (e.g. civil and architectural, electro-hydraulic, hydro-mechanical, ancillary systems) in order to make the infrastructure compliant with applicable EU requirements for inland waterway transport.

**8. Number and titles of lots**

One lot only

**9. Maximum budget**

1 000 000 EUR

### **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 one 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 one application, all applications in which that person has participated will be excluded.

14. **Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG - 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

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 2.3.3 of the PRAG, as well as the European Investment Bank (EIB) Covenant of Integrity to the effect that they are not and will be not engaged in any Prohibited Conduct as defined in the template of the European Investment Bank Covenant of Integrity.

16. **Sub-contracting**

Subcontracting is allowed.

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 still invite the candidates who satisfy the criteria to submit a tender.

### **Provisional timetable**

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

November 2018

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

March 2019

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

50 months

### **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 three years for which accounts have been closed.

(a) The average annual turnover of the candidate over the last 3 years (2015, 2016 and 2017) must be at least 1 000 000 EUR;

(b) The average current ratio (current assets/current liabilities) over the last three years (2015, 2016 and 2017) 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 three years immediately before the submission deadline.

(a) At least ten (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 three years immediately before the submission deadline.

The candidate must have provided services in at least two (2) supervision contracts, each with a budget of at least 1 000 000 EUR in the field of Transport Infrastructure Works contracts 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, where the value of each supervised Works Contract was at least 25 000 000 EUR, which were completed (the Taking Over Certificates or adequate documents confirming completion and acceptance of the works were issued) and which were 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 eight (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 are:

1) the highest cumulative value of the supervision contracts in criteria 3).

22. **Award criteria**

Best price-quality ratio.

**Application**

23. **Deadline for receipt of applications**

15:30 local time on 17.11.2018

Any application received by the Contracting Authority after this deadline will not be considered.

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 of 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 a European Investment Bank Covenant of Integrity that is enclosed within the tender dossier and being part of Guide to Procurement can be downloaded from the following Internet address:

[http://www.eib.org/attachments/strategies/procurement\\_en.pdf](http://www.eib.org/attachments/strategies/procurement_en.pdf)

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

25. **How applications may be submitted**

Applications (for prequalification) must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

— EITHER by recorded delivery (official postal service) to:

Ministry of Construction, Transport and Infrastructure  
Nemanjina 22-26, 11000 Belgrade, Republic of Serbia

In this case, the delivery record makes proof of compliance with the time-limit for receipt.

— OR hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Ministry of Construction, Transport and Infrastructure  
Nemanjina 22-26, 11000 Belgrade, Republic of Serbia

In this case, the acknowledgment of receipt makes proof of compliance with the time-limit for receipt.

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.

Only short-listed candidates will receive further instructions and invitation to submit the offer.

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 or withdrawn 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**

8.6.2018

29. **Legal basis**

The MCTI has applied for financing to the EIB under a framework loan on development of river transport infrastructure, while the EU CEF-Transport Sector Grant Agreement between the MCTI and the Innovation and Networks Executive Agency (INEA) under the powers delegated by the European Commission was signed on 17.10.2017.

The tender documentation and the procedures will reflect the above mentioned framework loan (if granted) and Grant Agreement and the procurement procedure will be conducted according to the Practical guide on contract procedures for European Union external action (PRAG), version 2016.0.

30. **Additional information**

Opening hours of the Contracting Authority: 7:30-15:30 CET

Standstill period defined in the national procurement law will be respected after each notification by the Contracting Authority.

30.1 Appeals

Without prejudice to other remedies and, in particular, without altering the time-limits for bringing actions set out in paragraph 30.2, 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 with a copy to the EIB. 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.

30.2 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 conditions and deadlines fixed by the national legislation of the Contracting Authority. The information on such actions shall be sent to the Contracting Authority with a copy to the EIB.