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## **WORKS PROCUREMENT NOTICE**

### **Reconstruction of Maškovića Han in Vrana - Works**

#### **Republic of Croatia**

**1. Publication reference**

2009-0303-0102

EuropeAid/132680/M/WKS/HR

**2. Procedure**

Open

**3. Programme**

IPA

**4. Financing**

National Programme for Croatia under the IPA – Transition Assistance and Institution Building Component for 2009

**5. Contracting Authority**

Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10000 Zagreb, Croatia

### **CONTRACT SPECIFICATIONS**

**6. Description of the contract**

The Works Contract includes execution of all works necessary for the reconstruction of Maškovića Han in Vrana settlement (Pakoštane Municipality, Zadar County). The Han is an exceptionally monumental and representative structure constructed as a fort and built with finely cut stone blocks, with a rectangular layout, 61x52 m in dimension and the surface area of over 3000 sqm. The Reconstruction design foresees reconstruction and rehabilitation of the Han and revitalization of its original use. The present building has ground floor and 1<sup>st</sup> floor while the only excavated area was the room which had served as the septic pit (the northeast wing) and one smaller storage space (the southeast wing). Construction of the underground floor is foreseen in the southwest corner of the building. Complex of the Han will have new utility infrastructure (water supply, sewage, heating, cooling, ventilation and electricity) and will be used as a motel, a restaurant, retail outlets for agricultural and other local products and tourist info points. FIDIC Conditions of Contract for Construction (New Red Book) and respective Particular Conditions are basis for the implementation of this Works Contract. All Works should be done in accordance with the issued Confirmation of Main Design and respective design documentation with the aim of obtaining the Use/Occupational permit.

**7. Number and titles of lots**

The tender is not divided into lots.

## **TERMS OF PARTICIPATION**

### **8. Eligibility and rules of origin**

Participation is open to all legal persons participating either individually or in a grouping (consortium) of tenderers which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see also heading 22 below). All works, supplies and services under this contract must originate in one or more of these countries. Participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

### **9. Grounds for exclusion**

Tenderers must submit a signed declaration, included in the Tender Form for a Works Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the **Practical Guide to contract procedures for EU external actions**.

Candidates or tenderers/potential applicants and, if they are legal entities, persons who have a power of representation, decision-making or control over them, are informed that, should they be in one of the situations mentioned in:

- Commission decision (2008/969/EC, Euratom) of 16 December 2008 on the Early Warning System (EWS) for the use of authorising officers of the Commission and the executive agencies (OJ, L 344, 20.12.2008, p. 125),
- Commission Regulation (2008/1302/EC, Euratom) of 17 December 2008 on the Central Exclusion Database – CED (OJ, L 344, 20.12.2008, p. 12),

Their personal details (name, given name if natural persons, address, legal form and name and given name of the persons with power of representation, decision-making or control, if legal person) may be registered in the EWS and CED, and communicated to the persons and entities listed in the above-mentioned decision and regulation, in relation to the award or the execution of a procurement contractor a grant agreement or decision.

### **10. Number of tenders**

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

### **11. Tender guarantee**

Tenderers must provide a tender guarantee of 20.000,00 euros when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer(s) upon signature of the contract by all parties.

### **12. Performance guarantee**

The successful tenderer will be asked to provide a performance guarantee (Performance Security – Demand Guarantee) of 10% of the amount of the contract at the signing of the contract. This guarantee must be provided together with the return of the countersigned contract no later than 30 days after the tenderer receives the contract signed by the Contracting Authority. If the selected tenderer fails to provide such a guarantee within this period, the contract will be void and a new contract may be drawn up and sent to the tenderer which has submitted the next cheapest compliant tender.

### **13. Information meeting and/or site visit**

An optional site visit will be held on 04 April 2012 at 11:00 Local Time with the meeting point at the following address:

Općina Pakoštane, Kraljice Jelene 78, 23211 Pakoštane.

An optional information meeting will be held on 04 April 2012 at 13:00 Local Time at the same address.

Participation should be confirmed by e-mail to: [procurement@safu.hr](mailto:procurement@safu.hr) (mentioning in the subject publication reference shown in item 1).

Participation to the information meeting and site visit is not compulsory but is strongly recommended.

### **14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

### **15. Period of implementation of tasks**

The time for completion of works is 365 days, starting from the date notified in the notice of the Commencement date and ending on the date notified in the Taking-Over Certificate.

The Defects Notification Period will last 365 days, starting from the date of issuance of the Taking-Over Certificate.

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## **SELECTION AND AWARD CRITERIA**

### **16. Selection criteria**

The minimum selection criteria for the Sole Tenderer include:

1. Economic and financial capacity of candidate:
  - a. The annual turnover of the tenderer for the years 2009, 2010 and 2011<sup>1</sup> must be equal to or exceed EUR 5.500.000,00;
  - b. The tenderer must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of

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<sup>1</sup> 2009 is considered to be two years before the last year, 2010 is considered to be the year before the last year and 2011 is considered to be the last year.

credit available must be equal to or exceed EUR 450.000,00.

2. Technical and professional capacity of candidate:

- a. The tenderer must be a registered company or natural person authorized for carrying out the specified works. The tenderer must have the licence, consent or similar permission to conduct works on cultural monuments, if such permission is necessary in the country of principal place of business of the tenderer. If such evidence is not issued in the country of the principal place of business of the tenderer, it may be replaced by a sworn/solemn statement made at the judicial or administrative authority, a notary or other qualified professional body of the same country;
- b. The tenderer must carry out at least 70% of the contracted works by its own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works;
- c. The tenderer has successfully completed as a sole contractor at least 1 works contract with a budget of EUR 2.000.000,00 in the years 2009, 2010, 2011 or 2012<sup>2</sup>. The tenderer has to provide the Contracting Authority with copies of the Final Acceptance Certificates/Performance Certificates (or equivalent) signed by the concerned Supervisor/Engineer, the Contracting Authority or the Employer stating that the works were implemented successfully and within the deadline;
- d. The tenderer has successfully completed as a sole contractor at least 1 works contract in the field of reconstruction of cultural monuments in the years 2009, 2010, 2011 or 2012<sup>3</sup>. The tenderer has to provide the Contracting Authority with copies of the Final Acceptance Certificates/Performance Certificates (or equivalent) signed by the concerned Supervisor/Engineer, the Contracting Authority or the Employer stating that the works were implemented successfully and within the deadline;
- e. The tenderer's key personnel (Contract Project Manager and Building Site Organisation Manager) must have at least 5 years of working experience in construction site organisation. The tenderer's key personnel (Mechanical Works Organisation Manager and Electrical Works Organisation Manager) must have at least 3 years of working experience in construction site organisation. The tenderer has to provide the Contracting Authority the copies of the CVs and employer's certificates/extracts from workbooks for all key personnel identified in this requirement to prove that they satisfy given criteria;

The minimum selection criteria for joint venture/consortium will include:

1. Economic and financial capacity of candidate:

- a. The annual turnover of the joint venture/consortium for the years 2009, 2010 and 2011 must be equal to or exceed EUR 5.500.000,00. The annual turnover of a leader of the joint venture/consortium for the years 2009, 2010, and 2011 must be equal to or exceed EUR 2.500.000,00.

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<sup>2</sup> All projects referenced for the year 2012 must have been completed before the deadline for submission of tenders

<sup>3</sup> All projects referenced for the year 2012 must have been completed before the deadline for submission of tenders

- b. The leader of the joint venture/consortium must have access to sufficient credit and other financial facilities to cover the required cash flow for the duration of the contract. In any case, the amount of credit available must be equal to or exceed EUR 450.000,00.

2. Technical and professional capacity of candidate:

- a. All members of the joint venture/consortium must be registered companies or natural persons authorized for carrying out the specified works. Members of the joint venture/consortium must have the licence, consent or similar permission to conduct works on cultural monuments, if such permission is necessary in the country of principal place of business of the tenderer. If such evidence is not issued in the country of the principal place of business of the member of the joint venture/consortium, it may be replaced by a sworn/solemn statement made at the judicial or administrative authority, a notary or other qualified professional body of the same country;
- b. The joint venture/consortium as a whole must carry out at least 70% of the contracted works by its own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contracted works. The leader of a joint venture/consortium must have the ability to carry out at least 50% of the contracted works by its own means, as defined in Sub-clause 12 of the Instructions to Tenderers. Another member of a joint venture/consortium (i.e. not the leader of the Consortium) must have the ability to carry out at least 20% of the contracted works by its own means, as defined in Sub-clause 12 of the Instructions to Tenderers;
- c. The members of the joint venture/consortium have successfully completed (as sole contractors or members of a consortium/joint venture) at least 1 works contract with a budget of EUR 2.000.000,00 in the years 2009, 2010, 2011 and 2012<sup>4</sup>. The Tenderer has to provide the Contracting Authority with copies of the Final Acceptance Certificates/Performance Certificates (or equivalent) signed by the concerned Supervisor/Engineer, the Contracting Authority or the Employer stating that the works were implemented successfully and within the deadline;
- d. The members of the joint venture/consortium have successfully completed (as sole contractors or members of a consortium/joint venture) at least 1 works contract in the field of reconstruction of cultural monuments in the years 2009, 2010, 2011 and 2012<sup>5</sup>. The members of the joint venture/consortium have to provide the Contracting Authority with copies of the Final Acceptance Certificates/Performance Certificates (or equivalent) signed by the concerned Supervisor/Engineer, the Contracting Authority or the Employer stating that the works were implemented successfully and within the deadline;
- e. The tenderer's key personnel (Contract Project Manager and Building Site Organisation Manager) must have at least 5 years of working experience in construction site organisation. The tenderer's key personnel (Mechanical Works Organisation Manager and Electrical Works Organisation Manager) must have at least

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<sup>4</sup> All projects referenced for the year 2012 must have been completed before the deadline for submission of tenders

<sup>5</sup> All projects referenced for the year 2012 must have been completed before the deadline for submission of tenders

3 years of working experience in construction site organisation. The tenderer has to provide the Contracting Authority the copies of the CVs and employer's certificates/extracts from workbooks for all key personnel identified in this requirement to prove that they satisfy given criteria;

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. Some examples of when it may *not* be considered appropriate by the Contracting Authority are when the tenderer rely in majority on the capacities of other entities or when they rely on key criteria. If the tenderer rely on other entities it must prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking 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 notably that of nationality, as the economic operator. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by the Contracting Authority.

#### 17. Award criteria

Price

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### TENDERING

#### 18. How to obtain the tender dossier

The tender dossier is available from the Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10000 Zagreb, Croatia, upon payment of EUR 300, in favour of the Ministry of Finance of the Republic of Croatia at the bank account in Privredna banka Zagreb d.d.:

**Giro account: 702000-132344-91**

**SWIFT CODE: PBZG HR 2X**

**Purpose of payment: For tender dossier**

or Croatian currency counter value of the relevant amount due in EUR in favour of the Ministry of Finance of the Republic of Croatia, in accordance with provisions of the current Foreign Exchange Act of the Republic of Croatia, at the bank account in Croatian National Bank:

**Giro account: 1001005-1863000160**

**Model: 64**

**Reference number: 9733 – 20157 – registration number of the tenderer**

**Purpose of payment: For tender dossier**

The aforementioned payment excludes courier delivery.

The tender dossier is also available for inspection at the premises of the Contracting Authority, address as in point 5 above, on working days between 10:00 and 12:00 hours, after prior notification of the time of such inspection to the [procurement@safu.hr](mailto:procurement@safu.hr) mentioning in the subject

publication reference shown in item 1. Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Tenderers with questions regarding this tender should send them in writing to the Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10000 Zagreb, Croatia, and/or [procurement@safu.hr](mailto:procurement@safu.hr), (mentioning in the subject publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority must reply to all tenderers' questions at least 11 days before the deadline for submission of tenders. Eventual clarifications to the tender dossier will be published on the EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>, and also on the Contracting Authority website at: <http://www.safu.hr>

**19. Deadline for submission of tenders**

The deadline for submission of tenders is 04 May 2012 at 12:00 Zagreb Local Time at the premises of Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10 000 Zagreb, Croatia.

Any tender received after this deadline will not be considered.

**20. Tender opening session**

The tender opening session will be on 04 May 2012 at 14:00 Zagreb Local Time at the premises of the Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10 000 Zagreb, Croatia.

**21. Language of the procedure**

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

**22. Legal basis**

EC Council Regulation No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA).