
WORKS PROCUREMENT NOTICE

Construction of Biosciences Technology Commercialization and Incubation Centre (BioCentre), Republic of Croatia

1. Publication reference

EuropeAid/130687/D/WKS/HR

2. Procedure

Open

3. Programme

IPA

4. Financing

IPA 2007 HR 16 I PO 001 Regional Competitiveness Operational Programme 2007-2011 for Community Assistance under the IPA Regional Development Component in Croatia

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 overall objective of the project of which this contract will be a part is to increase the creation and growth of technology and knowledge-based SMEs by enabling technology infrastructure, access to technology and business development services, particularly for high value added sectors of the economy (i.e. biosciences/biotechnology).

This Works Contract will include execution of all works necessary for construction of the Biosciences Technology Commercialization and Incubation Centre (BioCentre). The BioCentre is going to be located in Zagreb, Borongaj area. It will offer a range of professional services, facilities and expertise to assist start-up, incubation and commercialisation of new companies in the area of biosciences.

Total indoor gross floor area of the building will be approximately 5.440 square metres, consisting of the ground, first and second floor. The building will include the following units: 1. Central Laboratory qualified according to Good Laboratory Practice (GLP) on the second floor, 2. laboratories and offices for rental on the first floor, 3. joint support facilities and 4. technical areas and installations.

FIDIC Conditions of Contract for Construction for Building and Engineering Works designed by the Employer (New Red Book) and respective Particular Conditions are basis for implementation of this Works Contract. All works should be done in accordance with issued building permits 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 150.000,00 EUR 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. Clarification meeting and/or site visit

An optional site visit will be held on 14 December 2011, at 12:00 hours local Zagreb time, at the following address:

University campus Borongaj
(Znanstveno-učilišni kampus Borongaj)
Borongajska cesta 83f
10000 Zagreb

An optional clarification meeting will be held on 14 December 2011, at 14.30 hours local Zagreb time, at the following address:

Business Innovation Centre of Croatia – BICRO Ltd.
(Poslovno-inovacijski centar Hrvatske – BICRO d.o.o.)
Planinska 1,
10000 Zagreb

Participation to the clarification 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 540 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.

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 average annual turnover of the tenderer for the last 3 years (2008, 2009 and 2010¹) must be equal to or exceed EUR 14.000.000,00.
- b. The annual turnover of the tenderer for each of the last 3 years (2008, 2009 and 2010) must not be lower than EUR 5.000.000,00.
- c. 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 credit available must be equal to or exceed EUR 2.000.000,00.

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;
- 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 one (1) works contract in the field of construction of public, industrial or commercial building, requiring construction technology for construction of technological research buildings, hospitals, laboratories, hotels, shopping centres or TV/radio buildings, with a budget of EUR 10.000.000,00 in the years 2009, 2010 or 2011. The tenderer has to provide the Contracting Authority with copies of the respective Final Acceptance Certificates (or equivalent) signed by the concerned Supervisor, the Contracting Authority or the Employer of the projects stating that the works were implemented successfully and within the deadline;
- d. The tenderer's key personnel (Civil engineer or Architect/Project Manager, Civil engineer or Architect/Site Works Manager, Mechanical engineer, Electrical engineer, Civil works surveyor and Geotechnical engineer) must have at least 8 - 12 years of working experience (as presented in the table below) in the field of construction of public, industrial or commercial building. 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:

Key Personnel	No. of staff	Years of working experience
Project Manager (Civil engineer or Architect) *	1	12
Site Works Manager (Civil engineer or Architect) *	1	10

¹ 2008 is considered to be two years before the last year, 2009 is considered to be the year before the last year and 2010 is considered to be the last year.

Mechanical engineer	1	10
Electrical engineer	1	10
Civil works surveyor	1	8
Geotechnical engineer	1	8

* Please note that, with respect to positions of Project Manager and Site Works Manager, in case the former is held by a civil engineer, than the latter must be held by an architect, and vice versa.

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

1. Economic and financial capacity of candidate:
 - a. The average annual turnover of the joint venture/consortium for the last 3 years (2008, 2009 and 2010) must be equal to or exceed EUR 14.000.000,00. The average annual turnover of a leader of the joint venture/consortium for the last 3 years (2008, 2009, and 2010) must be equal to or exceed EUR 7.000.000,00.
 - b. The annual turnover of the joint venture/consortium for each of the last 3 years (2008, 2009 and 2010) must not be lower than EUR 5.000.000,00. The annual turnover of a leader of the joint venture/consortium for each of the last 3 years (2008, 2009, and 2010) must not be lower than EUR 3.000.000,00.
 - c. 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 2.000.000,00.
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;
 - 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 10% 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 one (1) works contract in the field of construction of public, industrial or commercial building, requiring construction technology for construction of technological research buildings, hospitals, laboratories, hotels, shopping centres or TV/radio buildings, with a budget

of EUR 10.000.000,00 in the years 2009, 2010 or 2011. The Tenderer has to provide the Contracting Authority with copies of the respective Final Acceptance Certificates (or equivalent) signed by the concerned Supervisor, the Contracting Authority or the Employer of the projects stating that the works were implemented successfully and within the deadline;

- d. The tenderer's key personnel (Civil engineer or Architect/Project Manager, Civil engineer or Architect/Site Works Manager, Mechanical engineer, Electrical engineer, Civil works surveyor and Geotechnical engineer) must have at least 8 - 12 years of working experience (as presented in the table below) in the field of construction of public, industrial or commercial building. 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:

Key Personnel	No. of staff	Years of working experience
Project Manager (Civil engineer or Architect) *	1	12
Site Works Manager (Civil engineer or Architect) *	1	10
Mechanical engineer	1	10
Electrical engineer	1	10
Civil works surveyor	1	8
Geotechnical engineer	1	8

* Please note that, with respect to positions of Project Manager and Site Works Manager, in case the former is held by a civil engineer, than the latter must be held by an architect, and vice versa.

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

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10000 Zagreb, Croatia, upon payment of EUR 600,00 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: 733 – 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, after prior notification and agreement of the time of such inspection to the procurement@safu.hr. 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 Central Finance and Contracting Agency, Ulica grada Vukovara 284, objekt C, 10000 Zagreb, Croatia, and/or 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 14 February 2012 at 10.00 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 14 February 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.

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).

The conclusion of the contract resulting from this tender procedure is subject to the fulfilment of the following condition: Bilateral Agreement between the Government of Croatia and the Commission of the European Communities concerning the co-financing of the major project - Operation 2.2.2 of the Regional Competitiveness Operational Programme (2007-2011) - of which this contract will be a part, has been signed and has entered into force.