
WORKS PROCUREMENT NOTICE

Construction Works at the Pirovac Landfill Šibenik-Knin County Republic of Croatia

1. Publication reference

EuropeAid/131915/M/WKS/HR

2. Procedure

Open

3. Programme

ISPA

4. Financing

ISPA 2005/HR/16/P/PE/003 Bikarac Regional Waste Management Centre

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 remediation and closure of the existing landfill “Šljukine njive” in Pirovac in Šibenik-Knin County, Republic of Croatia as well as relocation of construction and demolition waste from the surrounding land plots. In particular, this contract implies reshaping of the existing waste located on cp 2251/2 on the approximately 0,76 ha, with the average thickness of 5,5 m and an approximate volume MSW of 22 370 m³ and capping of the landfill. It also implies relocation of construction and demolition waste located on surrounding land plots: the remaining part of cp 2251/2; cp 2251/184; cp 2251/166; cp 2251/167. Construction and demolition waste located on these land plots will be used partly during remediation works on the landfill and partly being transported to an approved disposal site. The construction works will be implemented according to FIDIC Conditions of Contract for Plant and Design –Build (New Yellow Book).

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 8 000 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. Information meeting and/or site visit

An optional site visit will be held on 06 September 2011 at 12:00 hrs Local Time at the following address:

Pirovac Landfill
Šljukine njive, 22 213 Pirovac
Croatia

An optional information meeting will be held on 06 September 2011 at 14:30 hrs Local Time at the following address:

Kino dvorana (Cinema hall)
Trg domovinskog rata 18, 22 213 Pirovac
Republic of Croatia

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 180 days, starting from the day of issuance of Commencement Order and ending on the day of issuance of the Taking-Over Certificate.

The Defects Notification Period will last 365 days, starting from the day 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 minimum annual turnover for each of the last three years (2008, 2009 and 2010¹) must be equal or exceed 800 000 €.

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.

- 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 credit available must be equal to or exceed 150 000 €.
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 works contract implemented under the FIDIC Conditions of Contract (or similar general conditions) in the field of remediation and closure of old landfill or landfill construction with a budget of 500 000 € in the years 2008, 2009 and 2010. 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. However, for project(s) completed in the last 12 months, a copy of the provisional acceptance certificate will be considered as sufficient;
 - d. The tenderer's key personnel (One Contractor's Representative/Project Manager, one Site Manager (Civil Engineer according to Croatian Law – OG 76/07, 38/09), one Foreman, one Head Designer, one Lining Team Manager and one Quality Control Person) must each have working experience on at least 2 projects covering remediation and closure of old landfills or landfill construction. Lining Team Manager shall be foreman with experience in the installation of geo-synthetic materials in at least 2 projects similar to the one expected here. 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;
 - e. The tenderer's designers have successfully completed at least 1 project comprising the design of remediation and closure of old landfill or landfill construction in capacity of at least 25 000 m³ in the years 2008, 2009 and 2010. The tenderer has to provide the Contracting Authority the copies of the CVs and employer's certificates/extracts from workbooks for all designers to be working on the project 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 minimum annual turnover for each of the last three years (2008, 2009 and 2010) must be equal or exceed 800 000 €. The minimum annual turnover for each of the last three years years (2008, 2009 and 2010) of a leader of the joint venture/consortium must be equal to or exceed 400 000 €.
 - 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 150 000 €.

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 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 one works contract implemented under the FIDIC Conditions of Contract (or similar general conditions) in the field of remediation and closure of old landfill or landfill construction with a budget of 500 000 € in the years 2008, 2009 and 2010. 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. However, for project completed in the last 12 months, a copy of the Provisional Acceptance certificate will be considered as sufficient;
 - d. Tenderer's key personnel (One Contractor's Representative/Project Manager, one Site Manager (Civil Engineer according to Croatian Law – OG 76/07, 38/09), one Foreman, one Head Designer, one Lining Team Manager and one Quality Control Person) must each have working experience on at least 2 projects covering remediation and closure of old landfills or landfill construction. Lining Team Manager shall be a foreman with experience in the installation of geo-synthetic materials in at least 2 projects similar to the one expected here. 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;
 - e. The tenderer's designers have successfully completed at least 1 project comprising the design of remediation and closure of old landfill or landfill construction in capacity of at least 25.000 m³ in the years 2008, 2009 and 2010. The tenderer has to provide the Contracting Authority the copies of the CVs and employer's certificates/extracts from workbooks for all designers to be working on the project 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.

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 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 WKS Pirovac 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 (Construction works at the Pirovac landfill)

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 16:00 hours after prior notification of the time of such inspection to the 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 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 19 October 2011 at 12:00 hrs 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 19 October 2011 at 14:30 hrs 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

Council Regulation (EC) N° 1267/1999 of 21 June 1999, as last amended by Council Regulation (EC) No. 2112/2005 of 21 November 2005.