

## **SERVICE PROCUREMENT NOTICE**

### **Restructuring and Development of Croatian Railway System within the framework of EU legislation – Technical Assistance Republic of Croatia**

#### **1. Publication reference**

EuropeAid/126842/D/SER/HR

#### **2. Procedure**

Restricted

#### **3. Programme**

Phare 2006

#### **4. Financing**

Croatia 2006 Phare National Programme

#### **5. Contracting Authority**

Central Finance and Contracting Agency

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## **CONTRACT SPECIFICATION**

#### **6. Nature of contract**

Fee-based

#### **7. Contract description**

Project's objective is transfer of knowledge in railway sector and support of implementation of EU acquis. The proposed project will provide technical assistance, support and training to the Ministry of Sea, Transport and Infrastructure and stipulated bodies and institutions in the area of rail restructuring and regulation, especially: Support for establishment of safety authority, notified body and investigation body by the end of 2009 (assistance in drafting new laws and regulations necessary to comply with EU regulations and in preparing the establishment of the necessary bodies and institutions). Staff training for established railway sector bodies. Harmonization of standards - interoperability (assistance in the preparation of detailed tasks and responsibilities for the adaptation and implementation and preparation of procedures for implementation).

#### **8. Number and titles of lots**

N/A

## **9. Maximum budget**

EUR 1.550.000

## **10. Scope for additional services**

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding, up to a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the Contractor.

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# **CONDITIONS OF PARTICIPATION**

## **11. Eligibility**

Participation is open to all legal persons participating either individually or in a grouping (consortium) of candidates 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 item 30 below). Participation is also open to international organisations. The participation of natural persons is governed by the specific instruments applicable to the programme under which the contract is financed.

## **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 (ie, 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. 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 Practical Guide to contract procedures for EC external actions

## **16. Sub-contracting**

Subcontracting is allowed up to 30% of the contract value.

## **17. Number of candidates to be short-listed**

On the basis of the applications received, between 4-8 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.

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## **PROVISIONAL TIMETABLE**

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

September 2008

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

December 2008

### **20. Initial period of execution and possible extension of the contract**

23 months with possibility to extend the project in duration and/or scope subject to the availability of funding, up to a maximum not exceeding the length and value of the initial contract. Any extension of the contract would be subject to satisfactory performance by the Contractor.

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## **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:

- 1) Economic and financial capacity of candidate (based on item 3 of the application form)
  - (a) The annual turnover of the candidate for the years 2006 and 2007<sup>1</sup> must be equal to or exceed to 800.000 EUR.
  - (b) The cash and cash equivalents of candidate at the end of the year for the years 2006 and 2007 are positive.
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
  - (a) at least 10 staff currently work for the candidate in fields related to this contract (railway transport and restructuring)
  - (b) at least 3 staff currently work for the candidate in fields related to this contract (railway transport and restructuring) and are permanent.
- 3) Technical capacity of candidate (based on items 5 and 6 of the application form)

The candidate has worked successfully on at least one technical assistance project covering all of

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<sup>1</sup> 2006 is considered to be year before last and 2007 is considered to be last year.

the following requirements:

- i. as sole contractor, leader or a partner of the consortium
- ii. in the field(s) of railway transportation and restructuring
- iii. completed in 2005, 2006, 2007 or 2008
- iv. implemented in a country eligible under Phare programme<sup>2</sup>
- v. with a budget (own contribution) equal to or exceeding 930.000 EUR representing 60% of the maximum Contract value.

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 an undertaking on the part of those entities to place those resources at its disposal. Such entities must respect the same rules of eligibility and notably that of nationality, as the economic operator.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best applications for the tender procedure. The only factors which will be taken into consideration during this re-examination are:

- 1) The total number of projects managed by the candidate according to criterion 3, in case of competition between two or more candidates having the same number of eligible projects, the candidates will be ranked in descending order according to the total amount of their own contribution to the eligible projects.

## **22. Award criteria**

Best value for money.

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# **APPLICATION**

## **23. Deadline for receipt of applications**

16:00 h – Zagreb local time on 11<sup>th</sup> August 2008. Any application received after this deadline will not be considered.

## **24. Application format and details to be provided**

Applications must be submitted using the standard application form (available from the following Internet address: [http://ec.europa.eu/europeaid/work/procedures/index\\_en.htm](http://ec.europa.eu/europeaid/work/procedures/index_en.htm)), whose format and instructions must be strictly observed.

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:

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<sup>2</sup> EU Member States, Albania, Bosnia and Hercegovina, Croatia, FYROM, Montenegro, Serbia and Turkey.

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

Denis Dragojević  
Central Finance and Contracting Agency  
(Središnja agencija za financiranje i ugovaranje programa i projekata EU)  
Ulica grada Vukovara 284  
10 000 Zagreb  
Croatia

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

Denis Dragojević  
Central Finance and Contracting Agency  
(Središnja agencija za financiranje i ugovaranje programa i projekata EU)  
Ulica grada Vukovara 284  
10 000 Zagreb  
Croatia

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.

#### **26. Alteration or withdrawal of applications**

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

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Clause 25. The outer envelope (and the relevant inner envelope) 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. Additional information**

N/A

#### **29. Date of publication of contract forecast**

22<sup>nd</sup> March 2008

#### **30. Legal basis**

Council Regulation (EEC) no 3906/89 of 18 December 1989, as last amended by Council Regulation (EC) 2257/2004 of 20 December 2004.