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**Serbia-Belgrade: EIB - Elaboration of Technical Report on UXO
presence on German sunken vessels in the area of Prahovo
2019/S 197-477265**

Location — Prahovo, Republic of Serbia

Service Contract Notice

1. **Publication reference**
342-01-723/2019-06
2. **Procedure**
Restricted
Note that the Guide to Procurement for projects financed by the EIB from September 2018 (https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf) is applied to this tender, while tender document templates are from the PRAG (Practical Guide for Procurement And Grants for European Union external actions – August 2018).
3. **Programme title**
SERBIAN INLAND WATERWAY INFRASTRUCTURE Finance Contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia – International Contracts, No. 02/2019)
4. **Financing**
SERBIAN INLAND WATERWAY INFRASTRUCTURE Finance Contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia – International Contracts, No. 02/2019)
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
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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**

Global price.

7. **Contract description**

The scope of the contract includes the services related to the elaboration of a technical report which will serve as the basis for creating the preconditions for the removal of the sunken vessels and UXO remaining from the WWII at the Serbian Danube in the area of Prahovo. The technical report shall be used as basis for updating the existing technical documentation to be used for the preparation of 2 tender dossiers:

- (i) the works for removing the UXO and the sunken vessels; and
- (ii) the corresponding supervision of the works for removing the UXO and the sunken vessels. Within the project area, 22 shipwrecks -remains of vessels that were sunk in 1944 by the retreating German Navy fleet- have been identified, as well as a number of UXO, all of which are hindering the navigation on the Danube. The scope of this contract is to perform field investigations in order to locate, identify, quantify and describe in detail the UXO existence within the project area.

8. **Number and titles of lots**

One lot only.

9. **Maximum budget**

1 500 000 EUR.

The currency of the tender is EUR. The prices must be quoted by the tenderers entirely in Euro.

Any bid which overreaches the published maximum budget of the contract will be automatically rejected.

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 10 above) or groupings of such persons (consortium) 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, Version 2018.0, 2.8.2018 – Section 2.6.3.). 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 2.6.10.1. of the PRAG, Version 2018.0, 2.8.2018, as well as in the guide to procurement for projects financed by the European Investment Bank, September 2018 (https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf), Section 1.4 (Ethical Conduct), Section 1.5 (Conflict of Interest), and Section 3.6 (Prohibited Conduct – Covenant of Integrity), and Anti-fraud policy of the European Investment Bank (<http://www.eib.org/infocentre/publications/all/anti-fraud-policy.htm>).

Pursuant to its Sanctions Policy, the Bank shall not provide finance, directly or indirectly, to or for the benefit of an individual or entity that is subject to financial sanctions imposed by the EU, either autonomously or pursuant to the financial sanctions decided by the United Nations Security Council on the basis of article 41 of the UN Charter.

16. **Sub-contracting**

Subcontracting is allowed. Subcontracting is limited to 15 % of the contract value.

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 2019

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

March 2020

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

12 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 3 years for which accounts have been closed.

(a) the average annual turnover of the candidate over the last 3 years (2016, 2017 and 2018) must be at least 1 000 000 EUR;

(b) the average current ratio (current assets/current liabilities) over the last 3 years (2016, 2017 and 2018) 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 3 years from the tender submission deadline.

(a) the bidder must have at least ten (10) permanent staff currently working in the field of 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;

(b) having in mind the specific scope of the contract, it is required from tenderers to have valid certification for the ISO 9001, ISO 14001 and ISO 18001 Standards.

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 5 years from submission deadline.

The candidate has provided services in at least one (1) contract with a budget of at least 750 000 EUR, and of a similar complexity and nature as services related to this tender (underwater video inspection and other underwater activities, surveying and locating underwater UXO and other objects, using geophysical and geodesic methods, magnetometer, multibeam, side scan or similar) 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 case of completed projects, those 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 still on-going projects, 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 clearly stated in 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.

Previous experience which caused 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. If the tenderer relies 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 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 comply with the selection criteria for which the economic operator relies on them. 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 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 8 best candidates. The only additional comparative criteria that will be taken into consideration during this re-examination, in the order that they appear below, are:

- 1) The highest number of projects that meet criteria 3;
- 2) The highest cumulative value of all the projects that meet criteria 3.

Additional comparative criteria 2) will be applied only if the number of eligible candidates remain higher than 8 after applying additional comparative criteria 1).

22. **Award criteria**

Best price-quality ratio.

22.1 Additional information before the deadline for submission

The Contract Notice should be clear enough to avoid candidates having to request additional information during this stage of the procedure. If the contracting authority, either on its own initiative or in response to a request from potential candidate, provides additional information on the Contract Notice, it must make such information publicly available.

Tenderers may submit questions in writing to the following address up to 21 calendar days before the deadline for submission of the expression of interest, specifying the publication reference and the contract title:

Ministry of Construction, Transport and Infrastructure

Nemanjina 22-26, 11000 Belgrade, Republic of Serbia, Fax No +381 11 3616360, e-mail:

veljko.kovacevic@mgsi.gov.rs

The contracting authority has no obligation to provide clarification on questions submitted after this date.

Any tenderer seeking to arrange individual meetings with the contracting authority and/or the government of the partner country and/or the European Commission Investment Bank concerning this contract during the tender period may be excluded from the tender procedure.

Any clarification of the contract notice will be made publicly available to all potential tenderers at the latest 11 calendar days before the deadline for submission of the expression of interest.

Application

23. Deadline for receipt of applications

The candidate attention is drawn to the fact that there are 2 different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

In both cases, the application must be received by the contracting authority before the date and time limit for submission, as evidenced by the postmark or deposit slip(1), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application that will serve as proof.

15.30 CET on 15.10.2019.

Any application received by the contracting authority after this deadline will not be considered.

(1) It is recommended to use registered mail in case the postmark would not be readable.

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>

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 in a sealed envelope:

— either by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to:

Ministry of Construction, Transport and Infrastructure,

Nemanjina 22-26, 11000 Belgrade, Republic of Serbia

— or hand delivered by the candidate in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

Ministry of Construction, Transport and Infrastructure,

Nemanjina 22-26, 11000 Belgrade, Republic of Serbia, Attn: Mr. Veljko Kovacevic, Tel. +381 11 362 8874,
Opening hours: 7.30-15.30 CET (working days only – Monday to Friday)

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.

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 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**

27.8.2019 in supplement 164 to the Official Journal of the European Union (OJ S 164).

Further information is available through the following link: <http://ted.europa.eu>

29. **Legal basis**

Serbian Inland Waterway Infrastructure finance contract between the Republic of Serbia and European Investment Bank (Official Gazette of the Republic of Serbia – International Contracts, No 02/2019).

30. **Additional information**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint to the contracting authority.

Body Responsible for appeal procedures is the Republic Commission for the Protection of Rights in Public Procurement Procedures (Nemanjina 22-26, 11000 Belgrade, Republic of Serbia). Service from which information about lodging of appeals may be obtained is the Ministry of Construction, Transport and Infrastructure (Nemanjina 22-26, 11000 Belgrade, Republic of Serbia, Tel. 00 381 11 3628 874, e-mail: veljko.kovacevic@mgs.gov.rs , www.kjn.gov.rs).

Without prejudice to other remedies and, in particular, without altering the time-limits for bringing actions set out in paragraph 16.1, 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. 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.

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.

Candidates should alert the promoter in writing, with a copy to the European Investment Bank to procurementcomplaints@eib.org , in case they should consider that certain clauses or provisions of the tender might limit international competition or introduce an unfair advantage to some candidates.