

SERVICE PROCUREMENT NOTICE

Supervision Services for the Vinkovci to Tovarnik to State Border
Railway Rehabilitation Project
Croatia

1. Publication reference

EuropeAid/123210/D/SER/HR

2. Procedure

Restricted

3. Programme

ISPA

4. Financing

ISPA 2005/HR/P/PT/001 Vinkovci to Tovarnik to State Border Railway Rehabilitation

5. Contracting Authority

Ministry of Finance of the Republic of Croatia, Central Finance and Contracting Unit

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

Supervision of the works according to FIDIC conditions of contract within the *Vinkovci to Tovarnik to State Border Railway Rehabilitation* project on Pan European corridor X. The rehabilitation of a double track railway line over a route length of 33,5km to improve line speed from originally designed 120km/h (now degraded to 60 km/h) to 160km/h comprises (1) track and civil works and restoration and (2) upgrade of war damaged signaling and safety devices and rehabilitation of 10 stations / halts.

The two works contracts will be awarded under PRAG rules and will be executed under (1) FIDIC Conditions of Contract for Construction for Building and Engineering Works Designed by the Employer (FIDIC Red Book, 1999) and (2) FIDIC Conditions of Contract for Plant and Design-Build for Electrical and Mechanical Plant, and for Building and Engineering Works, Designed by the Contractor (FIDIC Yellow Book, 1999). The Consultant shall supervise the works on behalf of the Croatian Government represented by the Ministry of Finance, Central Finance and Contracting Unit (CFCU) and Croatian Railways - Infrastructure Ltd. (CR). The Consultant shall assume both - the role and responsibilities of the Engineer as set out in the above FIDIC Conditions of Contract and the responsibilities of the Independent construction supervisor according to the Croatian Law on Construction Works and the related regulations.

8. Number and titles of lots

n/a

9. Maximum budget

EUR 2,006,000

10. Scope for additional services

n/a

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 may 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

Sub-contracting will be allowed and the total value of the sub-contracted part of the services must not exceed 30% of the contract value and the sub-contractor must not sub-contract further.

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.

PROVISIONAL TIMETABLE

18. Provisional date of invitation to tender

November 2007

19. Provisional commencement date of the contract

April 2008

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

Initial period of execution is 33 months.

If for justified reasons the duration of the related Works contracts is extended, the period of execution of this Supervision contract might be extended respectively.

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)

The average yearly turnover of the candidate for the last three years must exceed EUR 2.000.000.
- 2) Professional capacity of candidate (based on items 4 and 5 of the application form)
 - (a) The Candidate shall have a professional certificate (or a right), in accordance with the law of the country in which the company is established, or equivalent for the execution of supervision of construction works;
 - (b) At least 15 permanent staff work for the applicant in fields related to this contract in each of the past three years.
- 3) Technical capacity of candidate (based on items 5 and 6 of the application form)
 - (a) The candidate has already successfully completed, as the Engineer, at least one works project financed by EU External Aid.
 - (b) The candidate shall have successfully completed the supervision of at least one rail construction/rehabilitation project in the past three years covering fields of both civil and track engineering and signalling (have issued a Taking over Certificate for completion under the FIDIC Conditions of Contract) under a service contract exceeding the total value of EUR 2.0 million. For the purposes of this short-listing procedure, a project is considered compliant with this requirement if at least 50 % of the total value of such project was carried out by the candidate.

(c) The candidate shall have an ISO certified quality assurance system

In order to prove that the above criteria are met the successful tenderer shall have to submit:

- company's previous 3 years certified statements of account (with translations into English) from which the data will be abstracted to prove the capacity defined under 1) and 2) (b)
- a copy of professional certificate, registration certificate or any other relevant document to prove the capacity defined under 2) (a)
- reference letters signed by the previous employers to prove the technical capacity defined under 3) (a) and (b)
- relevant ISO certificate
- joint venture/consortium agreement

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. Under the same conditions, a consortium of economic operators may rely on the capacities of members of the consortium or of other entities.

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:

Comparative criterion 1):

The highest number of projects compliant with the requirements of item 21. 3) (b);

22. Award criteria

As specified in the tender dossier annexed to the letter of invitation to tender which will be sent to short-listed candidates.

APPLICATION

23. Deadline for receipt of applications

15:00 hrs local (Croatian) time on 1 October 2007.

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), 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:

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

**For the attention of
Ministry of Finance of the Republic of Croatia**

**Department for Financing EU Assistance
Programmes and Projects
Central Finance and Contracting Unit
(Ministarstvo financija Republike Hrvatske,
Uprava za financiranje programa i projekata
pomoći EU – SJFU)
Katančičeva 5, HR – 10000 Zagreb,
Croatia**

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

**For the attention of
Ministry of Finance of the Republic of Croatia
Department for Financing EU Assistance
Programmes and Projects
Central Finance and Contracting Unit
(Ministarstvo financija Republike Hrvatske,
Uprava za financiranje programa i projekata
pomoći EU – SJFU)
Katančičeva 5, HR – 10000 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

20 April 2006

30. Legal basis

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