

SERVICE CONTRACT NOTICE

**Supervising Engineer for Works Projects of Reconstruction of Electrostatic Precipitators
for Emission Reduction from Thermal Power Plant Nikola Tesla unit A3 and from TPP
Morava in the Republic of Serbia**

Republic of Serbia

1. Publication reference

EuropeAid/133784/C/SER/RS

2. Procedure

Restricted

3. Programme

IPA 2012

4. Financing

Financing Agreement

5. Contracting Authority

European Union, represented by the European Commission on behalf of and for the account of the Republic of Serbia

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The purpose of the project is to provide EPS (Electric Power Industry of Serbia) with the necessary assistance in the coordination, supervision, and project and site management of design and works contract for construction under FIDIC rules: design, construction, trial operation and commissioning of electrostatic precipitators at TPP Nikola A3 and TPP Morava (plant and design-build — FIDIC 'Yellow Book'). The project provides a supervising engineer to be part of the Project Management Unit (PMU) with the following specific objectives:

- supervising preparation of the detailed design on the basis of the already prepared functional specifications,
- assist EPS in preparation of implementation plans and time schedules,
- site visits and clarification questions during tendering for the design-build contract,
- assistance during procurement process for the design-build contract,
- supervising the design-build contract with all of the responsibilities as in the accepted standard industry practice,
- assist supervision and monitoring site activities, e.g. construction, commissioning and testing of plant performance,
- assisting in the review of time scheduling,

- review of contractor's drawings and documents,
- review of contractor's quality assurance plans for design and/or procurement,
- advise contracting authority and EPS on project and site management issues,
- advise contracting authority and EPS on progress assessment and verification issues,
- establish and assist in QA/QC procedures through witnessing and certification of acceptance testing at site and in workshops.

Required field of expertise (with regards to Article 21.3): supervision of the construction of pollution mitigation projects in the power sector.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 850,000

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.

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 29 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 unless prior approval from the Contracting Authority has been obtained (see Prag 2.4.3.). 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 2.3.3 of the Practical Guide to contract procedures for EU external actions

16. Sub-contracting

Subcontracting is allowed

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

19/04/2013

19. Provisional commencement date of the contract

July 2013

20. Initial period of implementation of tasks

45 months

SELECTION AND AWARD CRITERIA

21. Selection criteria

Same criteria for legal and natural person

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). In case of candidate being a public body, equivalent information should be provided.

The average annual turnover of the candidate in the last 3 years (2010, 2011 and 2012) must exceed 850,000 Euro.

2) Professional capacity of candidate (based on items 4 and 5 of the application form)

At least 8 permanent staff currently working for the candidate in fields related to this contract

3) Technical capacity of candidate (based on items 5 and 6 of the application form)

The candidate has provided in the past 3 years (starting on 1.1.2010 until the deadline for submission of applications) at least two projects (where the candidate's proportion was at least 500,000 Euro for his services in each project) in the field of expertise described in Article 7.

Previous experience which would have lead to breach of contract and termination by a Contracting Authority shall not be used as reference. This is also applicable concerning the previous experience of experts required under a fee-based service contract.

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, 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.

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 candidates. The only factor which will be taken into consideration during this re-examination are:

- the total number of the reference projects found eligible under 21.3; and in case of equality on this criterion, then:
- the value of the eligible part (the proportion carried out by the candidate) of the reference projects found eligible under 21.3.

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

16:00 Central European Time on 28/03/2013.

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, 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/work/procedures/implementation/services/index_en.htm

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 recorded delivery (official postal service) to :

Delegation of the European Union to the Republic of Serbia,
Vladimira Popovica 40/V, 11070 New Belgrade, SERBIA,
For the attention of: Finance and Contracts Section
delegation-serbia-fcs@ec.europa.eu
Tel. +381113083200

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

Delegation of the European Union to the Republic of Serbia,
Vladimira Popovica 40/V, 11070 New Belgrade, SERBIA,
For the attention of: Finance and Contracts Section
delegation-serbia-fcs@ec.europa.eu
Tel. +381113083200

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 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

18/12/2012

Notice number in OJ: 2012/S 243-398317.

29. Legal basis

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance(IPA).

30. Additional information

Opening hours of the Contracting Authority: 9:30–16:00 CET

