

Document for completion and publication by the Contracting Authority

## WORKS CONTRACT NOTICE

### The modernization and rehabilitation of the railway section Niš - Brestovac Location - Republic of Serbia

**1. Publication reference**

EuropeAid/140002/IH/WKS/RS

**2. Procedure**

Open

**3. Programme title**

Annual Action Programme for Serbia under IPA 2015.

**4. Financing**

Financing agreement concerning the Annual Action Programme for Serbia under IPA 2015.

**5. Contracting Authority**

The Government of the Republic of Serbia, represented by the Ministry of Finance  
Department for Contracting and Financing of EU Funded Programmes (CFCU), Sremska 3-5,  
Belgrade, Serbia.

## CONTRACT SPECIFICATIONS

**6. Description of the contract**

“Design-build” modernisation of approx. 23.4 km (34 km including stations and two single parallel track sections) of the electrified single-track public railway line between Niš and Brestovac, as a part of Pan-European Corridor X. The scope includes complete modernisation of all sub-systems, (respecting the requirements of the Technical Specifications for Interoperability TSIs), i.e. permanent way (including super- and substructure, underpasses, civil structures and level crossings), electrification (station lighting and power, overhead contact line, sub-stations), signalling and telecommunications. The line will continue to be operational and the works shall be performed during the pre-set “working windows” as per Employers Requirements. The main standard design parameters for the permanent way are: gauge of 1435 mm, maximum design speed is 120 km/h, axle load: 225 KN, 80 KN/m, (D4-UIC leaflet 700), rails type: 60E1 and 49E1, grade 260, structural gauge: UIC GC, fastenings and switches UIC-60, single phase electrified system 25 kV, 50 Hz. The loading on bridges and culverts will be in accordance with UIC 71 load model, with coefficient of 1.33, to give design axle load of 333KN, 107 KN/m. The contract shall be implemented according to the FIDIC Conditions of Contract for Plant and Design-Build Contract (Yellow Book - First Edition, 1999).

**7. Number and titles of lots**

One lot only

---

**TERMS OF PARTICIPATION**

**8. Eligibility and rules of origin**

Participation is open to all natural persons who are nationals of and legal persons (participating either individually or in a grouping – consortium - of tenderers) which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) no 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable instrument under which the contract is financed (see also heading 23 below) Participation is also open to international organisations. All supplies under this contract must originate in one or more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below EUR 100 000 per purchased.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries<sup>1</sup> will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom<sup>1</sup> depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure.

<sup>1</sup>However, they may originate from any country when the amount of the supplies to be purchased is below EUR 100 000.

**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 Section 2.6.10.1 of the **practical Guide**.

Tenderers included in the lists of EU restrictive measures (see Section 2.4. of the PRAG) at the moment of the award decision cannot be awarded the contract.

**10. Number of tenders**

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered.

**11. Tender guarantee**

Tenderers must provide a tender guarantee of 600,000.00 euros when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer upon signature of the contract by all parties.

**12. Performance guarantee**

The successful tenderer will be asked to provide a performance 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**

A mandatory site visit and mandatory information meeting will be held on 23 September 2019 and on 24 September 2019.

The tenderer will need to register in writing with the contact person for the site visit at the latest 14.00 Central European Time (CET) on 16 September 2019.

On site transport will be organised by Serbian Railways Infrastructure (IZS).

The site visit will commence on 23 September 2019 at the premises of Serbian Railways Infrastructure (IZS), at 10.00 hrs CET at the following address:

Niš Passenger Station  
Chief station office ( first floor)  
Dimitrija Tucovića BB,  
Niš, Serbia  
Phone: +381 11 361 38 99  
E mail: [sektor.investicije@srbrail.rs](mailto:sektor.investicije@srbrail.rs)  
Contact Person: Marko Šarčević

After the site visit is completed, the information meeting will be organized at 10.00 hrs on the next day, 24 September 2019 at the following address:

Serbian Railways Infrastructure (IZS)  
Library room  
Nemanjina 6  
Belgrade, Serbia  
Phone: +381 11 361 38 99  
E mail: [sektor.investicije@srbrail.rs](mailto:sektor.investicije@srbrail.rs)  
Contact Person: Marko Šarčević

**14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the contracting authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period.

**15. Period of implementation of tasks.**

The period for implementation will be one thousand and five (1005) days from the Commencement Date for design and construction of both Sections until the issuance of the last Taking-Over Certificate, with a further seven hundred and thirty days (730) Defects Notification Period (DNP).

---

**SELECTION AND AWARD CRITERIA**

**16. Selection criteria**

Financial data to be provided by the tenderer in relation to the selection criteria must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of August 2019, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. This must be provided by tenderers using the forms described in

Sub-Clause 12.2 of the instructions to tenderers and any additional forms tenderers may wish to use.

If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

**a) Economic and financial capacity of tenderer:**

- 1) The average annual turnover of the tenderer (individual applicant or JV/consortium members as a whole) must, in 3 (three) previous financial years for which the accounts are closed, be at least 30 million EUR,
- 2) The average working capital (liquid assets minus short term debts) of the tenderer (individual applicant or JV/consortium members as a whole) over the same three year period must be positive.
- 3) The tenderer shall demonstrate that it has access to sufficient lines of credit and other financial facilities to cover the required cash flow (ignoring pre-financing advances) for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of 6 million euros.

**b) Professional capacity of tenderer:**

- 1) The tenderer must be a registered firm or legal person legally capable of carrying out the specified works.
- 2) At the moment of tender submission, the member(s) of the tenderer shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which he is established (or equivalent) for the execution of the Works
- 3) The minimum total staff number (in accordance with Form 4.6.1) permanently employed by the tenderer on 31<sup>st</sup> May 2019 must be at least 40 (forty). Out of this total, a minimum 16 must be engineers or forepersons.
- 4) The tenderer must carry out at least 70% of the contract works using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.

**c) Technical capacity of tenderer:**

1)

- a) Tenderer must have completed at least one (1) New/Modernisation Works contracts, with minimum contract value of 25 million euros, for public railways, compliant with EU TSI (Technical Specification for Interoperability). Reference works contract(s) must be of a similar nature covering works with railway line and including all of the following components: sub-structure and superstructure, railway station, OCL (Overhead Contact Line) electrification, telecommunications and electronic signalling. Railway line completed under the reference works contracts should have been for a minimum length of 10 kms. The works contracts must have been completed at any moment during the period of past eight (8) years from the date of submission of tenders.

The above requirements are to be interpreted as follows:

- The tenderer must have completed the Works contracts - this means that the project the tenderer refers to could have been started/implemented/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.
  - The minimum contract value (25 million euros) that will be taken into consideration is either the total contract value, when the contractor was acting as a sole contractor, or the tenderer's contribution to the total works, for each reference contract, which had to be 25 million euros or more, when a tenderer has implemented the project as a member of JV/Consortium or a sub-contractor. This contribution must be clear from any of the following documentary evidence (Taking Over Certificate/Provisional Acceptance/Performance Certificate /Final Acceptance /Joint Venture Agreement). The works performed by the JV/Consortium member or a sub-contractor must include all the elements specified in 16.c)1)a).
  - Completed Works Contracts means that the tenderer has in his possession, (and this must be verified by copies, translated in English, signed and stamped by the tenderer as being authentic), Taking Over Certificates (Provisional Acceptance Certificates), Performance Certificates (Final Acceptance Certificates or equivalent certificates) signed by the Supervisors/contracting authority/the Engineer, or equivalent, of the projects submitted for evaluation and included in Volume 1, Section 4.6.4.
  - Compliance with EU TSI must be demonstrated through a certificate issued by the relevant notification body.
- b) Tenderer must have completed at least one works contract that included construction or reconstruction of minimum 1 (one) railway or railroad bridge with the span greater than 16m. The works contracts must have been completed at any moment during the period of past eight (8) years from the date of submission of tenders.
- 2) Tenderer must have completed at least one (1) design project compliant with EU TSI (Technical Specification for Interoperability) that is related to a New/Modernization Works contract for public railways. Minimum value of the related works contract must be 25 million euros, and the railway line covered by the contract should have been for a minimum length of 10 kms. The design project must have been completed at any moment during the period of past eight (8) years from the date of submission of tenders.

Design project is to be interpreted as follows:

- Only the main / detailed (or equivalent) design references shall be considered, i.e. concept / idea / preliminary (or equivalent) design references shall not be considered as relevant experience.
  - Compliance with EU TSI must be demonstrated through a certificate issued by the relevant notification body.
- 3) The Tenderer must have completed at least one works contract under the Yellow FIDIC conditions of contract.

### **Capacity-providing entities:**

An economic operator may, where appropriate and for a particular contract, rely on the capacity 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 relies mostly on the capacity of other entities or when it relies on key criteria. If the tenderer relies on other entities, it must prove to the contracting authority that it will have at its disposal the resources necessary to perform the contract, for example by producing an undertaking on the part of those entities to place 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 relying on them and must comply with the selection criteria for which the economic operator relies on them. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be furnished at the request of the contracting authority.

With regard to technical and professional criteria, a tenderer may only rely on the capacities of other entities where the latter will perform the works 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.

### **17. Award criteria**

The most economically advantageous tender is the technically compliant tender with the lowest price.

---

## **TENDERING**

### **18. How to obtain the tender dossier**

The tender dossier is available from Contracting Authority (CFCU) on CD-ROM, at the following address:

Government of the Republic of Serbia, The Ministry of Finance  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
3-5 Sremska St., VII floor, Office 701, 11000 Belgrade, Republic of Serbia,

free of charge, which excludes courier delivery. It is also available for inspection at the premises of the contracting authority, address as in point 5 above. Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

Opening hours of the Contracting authority: 8:30 — 14.30 CET, Monday to Friday

Additional information, the Feasibility Study (2012), Preliminary Design with its draft BOQ (2012), Locations Conditions (2019) supporting documents (in Serbian only) and the EIA 2019 (in Serbian only), are available from the Ministry of Finance, Department for Contracting and Financing of EU Funded Programmes (CFCU), 3-5 Sremska St., VII floor, Office 701, is available on DVD at the address as in point 5 above.

Opening hours: 08.30h to 14.30 h, CET Monday to Friday

Tenderers with questions regarding this tender should send them in writing to [cfcu.questions@mfin.gov.rs](mailto:cfcu.questions@mfin.gov.rs) or at postal address:

Government of the Republic of Serbia, The Ministry of Finance  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for tender preparation and project and contract management  
3-5 Sremska Str, VII floor, Office 701  
11000 Belgrade , Republic of Serbia

(mentioning the 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 or minor changes to the tender dossier will be published at the latest 11 days before the submission deadline on the website of DG International Cooperation and Development at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and on the website of the contracting authority (CFCU) at <http://www.cfcu.gov.rs/tenderi.php>

#### **19. Deadline for submission of tenders**

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders: one is by post or private mail service, the other is by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

In case the tender is submitted by post or private mail service, the tenderers must inform the contracting authority at the latest on the date of submission that the tender was sent and attach a scanned copy of the deposit slip to an email sent to the address: [ec@mfin.gov.rs](mailto:ec@mfin.gov.rs), mentioning publication reference and contract title.

Deadline for Submission of Tenders is 12.00 Central European Time on 5 November 2019.

Any tender submitted to the contracting authority after this deadline will not be considered.

The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

#### **How tenders may be submitted**

Tenders 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 :

The Ministry of Finance  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for Tender Evaluation and Contracting  
3-5, Sremska St., VII floor, Office 701  
11000 Belgrade,  
Republic of Serbia  
Opening hours 8.30hr — 14.30 hr CET, Monday to Friday

---

<sup>1</sup> It is recommended to use registered mail in case the postmark would not be readable.

- OR hand delivered by the participant 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:

The Ministry of Finance, Government of the Republic of Serbia  
Department for Contracting and Financing of EU Funded Programmes (CFCU)  
Division for Tender Evaluation and Contracting  
3-5, Sremska St., VII floor, Office 701  
11000 Belgrade,  
Republic of Serbia  
Opening hours 8.30hr — 14.30:00hr CET, Monday to Friday

The contract title and the publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

By submitting a tender tenderer 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 tender.

## **20. Tender opening session**

12:00 Central European Time on 8 November 2019, at the premises of the contracting authority (CFCU), 3-5 Sremska St., I floor, conference room, Belgrade 11000, Republic of Serbia

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that they have been sent on time, the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

## **21. Language of the procedure**

All written communications for this tender procedure and contract must be in English.

## **22. Repetition of similar works**

Subsequent to the initial contract resulting from the current tender procedure, new works consisting in the repetition of similar works, up to the estimated amount of 10.000.000,00 euro, may be entrusted to the initial contractor by negotiated procedure without prior publication of a contract notice, provided the new works are in conformity with the same basic project.

## **23. Legal basis**

Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II).