Document for completion by the contracting authority

to be submitted as **ANNEX to the tender dossier**

**WORKS CONTRACT NOTICE**

**“Construction works at Lambuh village site”**

**Location**: **Ivaylovgrad, Ivaylovgrad Municipality, Haskovo District, Bulgaria**

1. **Reference**
2. CB005.2.21.114\_WO\_1
3. **Procedure**

Simplified

1. **Programme title**

Interreg-IPA Cross-border Cooperation Bulgaria-Turkey Programme 2014-2020

1. **Financing**

The project is financed by the European Union in accordance with the rules of the Interreg-IPA Cross-border Cooperation Bulgaria- Turkey Programme 2014-2020.

1. **Contracting authority**

Municipality of Ivaylovgrad

49 Bulgaria Str., 6970 Ivaylovgrad,

Ivaylovgrad Municipality, Haskovo District

Bulgaria

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

The contract involves rehabilitation of 3 existing hiking trails and development of recreation and nature observation areas. The rehabilitation of the trails stated below includes shaping of the ground base with partial excavations and embankments, laying new pavement, cutting of overhanging branches and bushes, installation of information and directional signs.

**Tourist road to Ivaylovgrad dam**: track length - 300 m. At the end of the route a tourist complex is envisaged including: tourist shelter with barbecue, information centre, observation and rest corner with pergolas - 2 pcs., wooden tent, playground, hangar for boat storage, chemical toilets, photovoltaic (solar) luminaire - 3 pcs.

**Hiking trail from St. Peter and Paul to the Ayazmoto area (Holy Water):** route length - 775 m. Along the route are provided: observation and rest area with a tent, pergolas with benches, rest area with benches, rest area with pergolas, metal ramp for disadvantaged people, photovoltaic (solar) luminaire - 1 pc.

**Panoramic road from the monastery church of St. Peter and Paul to the tourist shelter route**: length - 4030 m. Along the route are provided: observation and rest area with gazebo, pergolas with benches, rest area with benches - 3 pcs., observation and rest area with shelter, pergolas with benches and tables, chemical toilets, photovoltaic (solar) luminaire - 2 pcs.

Works shall comply with the approved technical design and building permit provided by the Contracting Authority and included in the Technical Specification (Volume 3 of the Tender Dossier).

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

No later than 150 days after deadline for tenders

1. **Period of implementation of tasks**

270 (two hundred and seventy) calendar days calculated from the date, notified in accordance with Article 33 of the General Conditions for Works Contract (the „General Conditions“), without prejudice to extensions of the period which may be granted under Article 35 of the General Conditions.

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation in this tender procedure is open only to the invited tenderers.

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 17 below). Participation is also open to international organisations. All goods purchased under the contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the breakdown of the lump-sum price (Volume 4.2.3) is below EUR 100 000.

1. **Subcontracting**

**Subcontracting is allowed.**

Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in Section 2.6.10.1.1. (‘exclusion from participation in procurement procedures’) and Section 2.6.10.1.2. (‘rejection from a given procedure’) of the practical guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties up to 10% of the value of the contract and exclusion in accordance with the Financial Regulation in force.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

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.

1. **Number of tenders**

Tenderers may submit only one tender. Tenders for parts of the works will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

### In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. 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:

***14.a Economic and financial capacity of candidate:***

The candidate (consortium as a whole or sole tenderer) must fulfil the following selection criteria regarding its economic and financial capacity:

**(i)** the average annual turnover of the tenderer in the past 3 years must be at least EUR 210,000.00 (two hundred and ten thousand euro);

The candidate must establish compliance with the above criterion by completing and presenting Form 4.4 *“Financial Statement”* (Volume 1, Section III *“Forms regarding financial criteria”* of the Tender Dossier) and the relevant appendices thereto.

***14.b Technical and professional capacity of candidate:***

The candidate (consortium as a whole or sole tenderer) must fulfil the following selection criteria regarding its technical and professional capacity:

**(i)** The sole tenderer or at least one of the consortium members must be licensed or registered in accordance with the legislation in its country of residence or incorporation, to perform construction works;

A Bulgarian tenderer must prove compliance with the above requirement by presenting a valid certificate for registration with the Central Professional Register of the Builders for the execution of construction works of fifth category (or higher) in accordance with Article 137, paragraph 1, sub-paragraph 5 of the Spatial Development Act (in Bulgarian *„Закон за устройство на територията“,* State Gazette No 1 of 2 January 2001). Foreign candidates must present equivalent evidence of the required professional capacity in accordance with the legislation in place in their country of residence or incorporation.

**(iii)** Must hold a valid contractor’s professional liability insurance in accordance with Article 5, paragraph 2, sub-paragraph 5 of the Regulation for the Terms and Conditions of Mandatory Insurance for Design and Construction (in Bulgarian *„Наредба за реда и условията за задължително застраховане в проектирането и строителството“,* State Gazette No 17 of 2 March 2004) or equivalent (for foreign candidates);

Candidates/tenderers must provide copies of valid insurance policies to establish the compliance with the above criterion.

**(iv)** Must have in place and apply a valid quality assurance system such as ISO 9001:2015 or equivalent;

Candidates/tenderers must provide copies of certificates drawn up by independent bodies attesting the compliance with the above quality assurance standards.

**(v)** Must have completed at least one project of similar nature and complexity **(construction/reconstruction or renovation of tourist scenic roads, ecotourism routes or public roads, streets and other elements of the transport infrastructure network**) in the last 5 years prior to the publication of the present notice.

Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. 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 (statement or certificate from the entity that awarded the contract or proof of final payment) also detailing its value.

If a candidate/tenderer has implemented the project in a consortium, the percentage that the candidate/tenderer has completed must be clear from the documentary evidence, together with a description of the nature of the works provided.

Candidates/tenderers must establish compliance with the above criterion by completing and presenting Form 4.6.5*“Experience as Contractor”* (Volume 1, Section III *“Forms regarding financial criteria”* of the Tender Dossier). The completed form must describe all works carried out in the last 5 (five) years and be accompanied by certificates of satisfactory execution for the most important works. The contracting authority furthermore reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

**(vi)** Must have the following key personnel:

1. One Project Manager (also referred to as Site Manager or Superintendent), responsible for the overall management and supervision of the Works. He/she shall be a qualified Civil Engineer with at least 3 years of professional experience and management experience in at least one project of similar nature and complexity;

2. One Quality Assurance Manager, qualified as Civil Engineer or equivalent, with at least 2 years of practical experience in the area of quality control of civil engineering works;

Candidates/tenderers must establish compliance with the above criterion by completing and presenting Form 4.6.1.2*“Staff to be Employed on the Contract”* and Form 4.6.1.3 *“Professional Experience of Key Staff”* (Volume 1, Section IV *“Technical Offer”* of the Tender Dossier). The tenderer must append to the completed forms copies of the diplomas/degrees of the proposed key personnel as well as the available references and other relevant proof of professional experience.

The proposed key personnel cannot be already employed on a works contract, awarded by the Contract Authority or any other third party, for the same period.

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. 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 by producing a commitment 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 provided 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.

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 the month of the submission of the tender offer, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. **Award criteria**

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

**TENDERING**

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in Section 2.5.6. of the practical guide.**

1. **Legal basis[[1]](#footnote-1)**

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 Interreg-IPA CBC Bulgaria – Turkey Programme, CCI Number: CCI 2014TC16I5CB007.

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.12 of the practical guide.

1. **Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-1)