**WORKS CONTRACT NOTICE**

**Contract title: “Construction works to strengthen the banks and the bed of the Sandanskа Bistritsa river in the village of Lilyanovo, Municipality of Sandanski”**

**Location**: Municipality of Sandanski, District of Blagoevgrad, Bulgaria

1. **Reference:**

CB006.2.12.062-07

1. **Procedure**

Simplified

1. **Programme title**

**Interreg-IPA CBC Programme Bulgaria-North Macedonia Programme 2014-2020, CCI No 2014TC16I5CB006, Second Call for project proposals No 2014TC16I5CB006 - 2018 – 2**

1. **Financing**

The project is co-funded by EU through Interreg-IPA CBC Programme between Republic of Bulgaria and Republic of North Macedonia, CCI No. 2014TC16I5CB006. The project is co-financed by national budgets of the Republic of Bulgaria and the Republic of North Macedonia.

The contract is financed under Subsidy contract № RD-02-29-159/12.07.2019 under project reference № CB006.2.12.062 and title: “Joint actions for prevention and reduction of the consequences of disasters in the municipalities of Sandanski and Radovish”, BL5 -Equipment and works (PP1).

1. **Contracting authority**

**Municipality of Sandanski**

Official address: 14 Svoboda blvd., 2800 Sandanski, District of Blagoevgrad, Bulgaria

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

The Sandanska Bistritsa is a river in Municipality of Sandanski. The river is 33 km long and originates of the south-western slopes of the Pirin mountain. Its drainage basin covers a territory of 139 km².

There are three settlements along the river - town Sandanski and two villages, Lilyanovo and Stozha. Therefore, it is vital to have the river banks safe and fortified. During the late spring and in winter, the river is high and dangerous, especially in the sector which goes through both villages. As a result, in the event of heavy rain and flash floods, there is a significant possibility of flooding of houses, private properties and agricultural land. In 2010 the river had gone out of its riverbed and flooded the nearby areas and houses of the residents of the villages of Lilyanovo and Stozha.

The purpose of the current works contract is to carry out the envisaged infrastructure activities and works on a specific section of the Sandanska Bistritsa riverbed, located in the villages of Lilyanovo and Stozha, including construction of corrective walls, construction of water catchment, gabions, as well as other works related to cleaning and deepening of the river bed, shaping of slopes, forestation, etc.

**Detailed technical specifications along with the working plans and construction documents are provided as part of the tender dossier.**

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

**05.01.2021**

1. **Period of implementation of tasks**

The period of implementation of tasks shall be **6 months (180 days)** from the issuing of contract, provision of access to the sites of construction (with protocol for opening a construction site and for determining the construction line and level (Annexes № 2 and 2a) as per Ordinance № 3 of 31 July 2003 on drawing up acts and protocols during the construction) and the provision of necessary construction documentation and permissions mentioned in Article 8.1 of this Special conditions until the provisional acceptance (with Statement of findings for establishing the suitability for acceptance of the construction (Annex № 15) ) as per Ordinance № 3 of 31 July 2003 on drawing up acts and protocols during the construction) without prejudice to extensions of the period which may be granted under Article 35 of the General Conditions, but not later than the end date of project CB006.2.12.062.

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation in this tender procedure is not 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.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\* and Annex IV of the ACP-EU Partnership Agreement\*\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom \*\*\*\*. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* 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.

\*\*\* Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

\*\*\*\* including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU

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:

***14.1 Economic and financial capacity of candidate:***

* The average annual turnover of the tenderer in the past 3 years must be at least: **BGN 300 000.00**

The requirement under point 14.1. must be proven with financial statements (balance sheets/ profit & loss statements/ cash flow statements or other financial documents ) of the tenderer for the last 3 years for which accounts have been closed.

If a tender is submitted by a consortium the selection criteria provided in p. 14.1. for economic and financial capacity will be applied to the consortium as a whole.

* 1. ***Technical and professional capacity of the candidate:***
     1. it must have completed at least ***1 construction works contract and/or project and/or activity*** of the same nature and complexity as the works **concerned** by the tender and implemented during the following period: **09.11.2015 –** **09.11.2020** which period is **5 years counting from the submission deadline**. The contracting authority reserves the right to ask for copies of certificates of final acceptance sheets signed by the supervisors/contracting authority of the contracts and/or projects concerned.

Contract and/or project and/or activity of the same nature and complexity is considered a contract and/or project and/or activity for repair and/or construction and/or reconstruction and/or correction of riverbeds and/оr riverbanks and/or basins and/or other hydrological facilities.

The documents with which compliance with the technical and professional capacity under point 14.2.1 is proved are list of the most significant works which must be accompanied by certificates of satisfactory execution, issued by the contracting authority or entity who ordered or purchased the works, specifying whether they have been carried out in a professional manner and have been fully completed.

* + 1. **According to the Bulgarian Chamber of Builders Law entities executing construction in Bulgaria as per the Bulgarian Spatial Planning Law should be registered in the Central Register of Professional Builders.** The registration is also obligatory for builders, which are entitled to perform such an activity under the legislation of a Member State of the Union or of another country - party to the Agreement on the European Economic Area or of the Swiss Confederation for registration. At the stage of tender submission, tenderers are not obliged to prove that they meet this requirement. However, the chosen contractor, before signing the contract must provide evidence (via appropriate document and/or extraction from a public register) that it is registered in the Bulgarian Chamber of Builders for the execution of construction as per the Bulgarian Spatial Planning Law and in accordance with the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders. **The construction site is Ist /first/ category as per art. 137, par. 1, point 1, letter «g» of the Spatial Planning Law (SPL).**
    2. **According to art. 171 of the Bulgarian Spatial Planning Law entities executing construction in Bulgaria should be have a professional liability insurance under the ORDINANCE OF THE TERMS AND CONDITIONS OF COMPULSORY INSURANCE IN DESIGN AND CONSTRUCTION from 2004.** At the stage of tender submission tenderers are not obliged to prove that they meet this requirement. However, the chosen contractor, before signing the contract must provide evidence of relevant professional risk indemnity insurance according to the provision of art. 5 of the stated ordinance or equivalent document according to the legislation of a Member State of the Union or of another country - party to the Agreement on the European Economic Area or of the Swiss Confederation, where the contractor is registered or has its operations. **The construction site is 1st /first/ category as per art. 137, par. 1, point 1, letter «g» of the Spatial Planning Law (SPL).**

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 BGN. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to BGN shall be made in accordance with the InforEuro exchange rate of **November 2020,** 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 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) – IPA II Regulation;
* Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II) - IPA II Implementing Regulation;
* Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal;
* Commission Delegated Regulation (EU) No 481/2014 of 4 March 2014 supplementing Regulation (EU) No 1299/2013 of the European Parliament and of the Council with regard to specific rules on eligibility of expenditure for cooperation programmes;
* Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012
* Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006;
* Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012;
* Interreg-IPA CBC Programme Bulgaria-North Macedonia Programme 2014-2020, CCI No 014TC16I5CB006, approved by the European Commission with Decision № C (2015) 5653 of 5th August 2015.

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)