**WORKS PROCUREMENT NOTICE**

**Restoration works in the fortress Besac in Virpazar, Montenegro, second phase**

1. **Publication reference**

**01-706**

1. **Procedure**

Local Open

1. **Programme**

IPA Adriatic CBC 2007-2013

1. **Financing**

Financing agreement

1. **Contracting Authority**

Ministry of Culture.

**CONTRACT SPECIFICATIONS**

1. **Description of the contract**

The overall objective of the Investment Project "Restoration works in the fortress "Besac" in Virpazar (Montenegro), second phase" is to finalize the restoration of the "Besac" Fortress, order to make this facility functional and useful for its main purpose: promotion of the Adriatic heritage.

Beside the minor restoration works (installation of a walkable skylight, setting windows and doors on some facilities, installation of iron fencing, landscaping of main gate and paving of fortress plateau). The main concern will be put on adaptation and functionality of the fortress, through construction of water supply and sewerage network, connection to already existing communal facilities, works on installation of low current and high voltage, construction of toilet facilities and adaptation of access road.

1. **Number and titles of lots**

One

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation is open to all legal persons participating either individually or in a grouping (consortium) of tenderers 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 heading 22 below). All works, supplies and services under this contract must originate in one or more of these countries. Participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

1. **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 point 2.3.3 of the **Practical Guide to contract procedures for EU external actions.**

1. **Number of tenders**

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

1. **Tender guarantee**

Tenderers must provide a tender guarantee of 8,000 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(s) upon signature of the contract by all parties.

1. **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.

1. **Information meeting and/or site visit**

No information meeting is planned.

1. **Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

**P**eriod of implementation of tasks

Time period envisaged for implementation of this contract is 10 (ten) months, from the date stipulated in the commencement order until the provisional acceptance.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

The selection criteria for each tenderer are as follows:

**Economic and financial capacity of candidate:**

1. **Economic and financial standing of the Tenderer** (*in case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole*):
2. The average annual turnover of the Tenderer in the last 3 financially closed (2012, 2013, 2014), for which the accounts are closed, must be at least 700,000 Euro.

Average annual turnover = (turnover 2012 + turnover 2013 + turnover 2014)

3

The consortium as a whole must satisfy the minimum qualifications required. The consortium leader must meet at least 50 % of the requirement. Each member of the consortium must meet at least 10% of the requirement.

**Evidence:** The above requirements should be demonstrated by audited financial statements of the tenderer for the last 3 financial years, which were audited by a Chartered accountant/auditor.

b) The tenderer shall demonstrate, by a bank statement that, he has available or has access to lines of credit or any other credit facilities sufficient to meet the construction cash flow (other than pre-financing) for the duration of the contract of not less than 500,000 Euro in addition to the tenderer's commitments for other contracts.

The consortium as a whole must satisfy the minimum qualifications required.

**Evidence**: Tenderer may provide evidence of access to credit facilities by submitting a Letter of Intent from its commercial bank, stating that the bank is ready to approve a loan to the Tenderer in the value of not less than 500,000 Euro; in the case the Tenderer is awarded the contract. The statement must be provided by a reputed bank of good standing and it shall clearly demonstrate that the credit facility is available specifically for this project.

1. **Technical and professional capacity of Tenderer:**

a) Tenderer must have successfully completed at least two (2) contracts within the last five (5) years, similar to the proposed Works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Volume 3 - Technical Specifications and Volume 5 - Drawings. The cumulative value of the three contracts must be at least 500,000.00 (five hundred thousand) Euro.

“*Completed*”is to be interpreted as“*Taking-over Certificate issued*” for the construction works, or any similar certificate issued by the Engineer or Contracting Authority/ Employer at the successful completion of the Works.The Tenderer must submit copies of the respective certificates signed by the Engineer and/or Contracting Authority/ Employer of these reference works within his tender.

b) The tenderer must be a registered firm or natural person legally capable of carrying out the specified works (*in the case of a consortium, this requirement applies to all members of the consortium*).

c) At the moment of tender submission, 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 construction works. For the purpose of tender evaluation, legal requirements must be respected from every member of a consortium while for professional licence only one member is sufficient to have it. At the moment of Contract signing (or the latest on the Commencement Date), the Contractor will have to be accredited (authorised) and registered in accordance with the relevant legislation of Montenegro. This includes, but is not limited to:

*- Law on spatial development and construction of structure (Official Gazette of Montenegro, No. 51/08 with addenda);*

*- Law on health and safety at work (Official Gazette of Montenegro no. 79/04 and Official Gazette of Montenegro no. 26/10, 40/11);*

*- Law for the protection of cultural property (Official Gazette of Montenegro, No. 49/10); “Rulebook on the specifying conditions for issuing and revocation of license for conservation” (Official Gazette of Montenegro no. 19/11)*

*- The applicable rulebook on licensing of foreign entities is “Rulebook on the conditions and manner of validation and cancelation of the licence for foreign bodies” (Official Gazette of Montenegro no. 79/04 and Official Gazette of Montenegro no. 68/08, 33/11), [Pravilnik o uslovima i načinu ovjeravanja i poništavanja ovjere licence stranog lica” ("Sl. list Crne Gore", br. 68/08 od 12.11.2008, 33/11 od 08.07.2011) ], with addenda (if any).*

*More information can be found at the following links:* [*http://www.atcg.co.me/cg/*](http://www.atcg.co.me/cg/) *, or at:* [*http://www.ingkomora.me/*](http://www.ingkomora.me/)

d) Tenderer’s key personnel appropriate qualifications, skills and experience as follows:

1/ Project Manager / Contractor’s Representative:

**Qualifications:**

* Civil Engineer – possess a university degree in civil engineering
* fluent in English

**General Experience:**

* minimum 10 years general experience in the construction /supervision/design field of which at least 3 years as Project manager;

**Specific Experience:**

* at least 1 years specific experience as Project Manager or as Site Manager for conservation/restoration works execution;
* at least 1 construction project carried out based on FIDIC or PRAG Contract Conditions.

2/ Site Manager (Deputy Project Manager), 1 key expert:

**Qualifications:**

* Civil Engineer – possess a university degree in civil engineering
* able to communicate in English

**General Experience:**

* minimum 7 years general experience in the supervision field;

**Specific Experience:**

* at least 1 year specific experience as Deputy Project Manager or as Site Manager for conservation/restoration works execution;
* specific experience in at least 1 construction project supervision based on FIDIC Contract Conditions.

3/ Surveyor

4/ Quality Assurance Manager/Materials’ Engineer

5/ Safety Engineer

**Qualifications for positions 3/, 4/, 5:**

* University degree in engineering
* Knowledge of English language
* At least 5 years of professional experience

*Note: At the moment of tender submission, the Expert(s) shall have a professional licence(s), certificate(s) (or right), in accordance with the laws of the country in which he/she is located, or equivalent, for performance of his/her profession. At the moment of Contract signing (or the latest on the Commencement Date) the Expert will have to possess a professional licence(s), certificate(s) (or right), in accordance with the relevant legislation of Montenegro. This includes but is not limited to:*

*- Law on spatial development and construction of structures, Official Gazette of Montenegro, No. 51/08 with addenda);*

*- Law on health and safety at work (Official Gazette of Montenegro no. 79/04 and Official Gazette of Montenegro no. 26/10, 40/11)*

*- Law for the protection of cultural property (Official Gazette of Montenegro, No. 49/10); “Rulebook on the specifying conditions for issuing and revocation of license for conservation” (Official Gazette of Montenegro no. 19/11)*

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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.

1. **Award criteria**

The sole award criterion will be the price. The contract will be awarded to the lowest compliant tender.

**TENDERING**

1. **How to obtain the tender dossier**

The tender dossier is available from the following Internet address:

Ministry of Culture web site at <http://www.ministarstvokulture.gov.me>.

Tenders must be submitted using the standard tender form included in the tender dossier, whose format and instructions must be strictly observed.

## Tenderers with questions regarding this tender should send them in writing to:

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Ministry of culture

Njegoševa bb

81000 Cetinje, Montenegro

E-mail: jelena.zaric@mku.gov.me

Fax: +382 41 232 540

(*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 on the Ministry of Culture web site at <http://www.ministarstvokulture.gov.me>.

1. **Deadline for submission of tenders**

11 April 2016, 11:00 hours, Central European Time.

Any tender received after this deadline will not be considered.

1. **Tender opening session**

11 April 2016, 12:00 hours, Central European Time in the premises of Ministry of Culture (address indicated in item 18 above).

1. **Language of the procedure**

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

1. **Legal basis**

IPA Adriatic CBC 2007-2013