

Additional information about the Contract Notice

MINISTRY OF ECOLOGY, SPATIAL PLANNING AND URBANISM MONTENEGRO ECO EFFICIENT BUILDING - II PHASE – WORKS

Location – Podgorica, Montenegro

1. Nature of contract

Unit price

2. Programme title

Bilateral cooperation between Montenegro and Italy

3. Financing

The implementation of this Contract will be financed by the Ministry for the Environment, Land and Sea of the Republic of Italy, within bilateral cooperation between Montenegro and Italy in the field of environmental protection, and from National budget funds of Montenegro (if necessary). Energy efficient building is aimed for Ministry of Ecology, Spatial Planning and Urbanism with a Study unit of Ecology for the University of Montenegro needs.

4. 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 and/or candidate countries for membership to the European Union. Participation is also open to international organisations. All supplies and materials under this contract shall originate from one or more of those eligible countries.

5. Candidature

All eligible natural and legal persons (as per item 4 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 partners of a consortium (i.e., the leader and all other partners) are jointly and severally liable to the contracting authority.

The participation of an ineligible natural or legal person 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.

6. Number of applications or tenders

No more than one tender can be submitted by a natural or legal person whatever the form of participation (as an individual legal entity or as leader or partner of a consortium submitting an application/tender). In the event that a natural or legal person submits more than one tender, all tenders in which that person has participated will be excluded.

Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

7. Tender guarantee

Tenderers must provide a tender guarantee of EUR 150,000 when submitting their tender. This

guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderers upon signature of the contract by all parties.

8. 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.

9. Information meeting and/or site visit

A mandatory information meeting and site visit will be held on

Date: 30.06.2021

Time: 10:00

Venue:

Public Works Administration

Address: Arsenija Boljevića street 2a (City Mall, 3rd floor)

81000 Podgorica, Montenegro

After the meeting, participants will visit location of the Eco efficient building, which is within walking distance from the venue of the information meeting.

Contact details to confirm attendance:

Mrs. Bojana Mitrić

E-mails: bojana.mitric@ujr.gov.me and ujr@ujr.gov.me

10. Tender validity

Tenders must remain valid for a period of 3 months 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.

11. Grounds for exclusion

Candidates or tenderers must submit a signed declaration, included in the application form or tender form, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the **practical guide (PRAG)**. Where the candidate or tenderer intends to rely on capacity providing entities or subcontractor(s), he/she must provide the same declaration signed by this/these entity(ies).

Candidates or 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.

12. Sub-contracting

Sub-contracting is allowed.

13. Period of implementation of tasks

42 months = 18 months (Works) and 24 months (Defects Notification Period-DNP).

SELECTION AND AWARD CRITERIA

14. Selection criteria

The selection criteria are described in section 12.2 of the instruction to tenderers.

The selection criteria for each tenderer are as follows:

12.2.1. Economic and financial capacity of candidate:

- a) Average annual turnover of the tenderer in the past 3 years (2018, 2019, 2020) must be at least EUR 4,800,000.

Average annual turnover = (turnover 2018 + turnover 2019 + turnover 2020) / 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 (balance sheet, profit & loss statement, cash flow statement) of the tenderer for the last 3 financial years, as well as the report of Certified Public (Sworn) Accountant shall be submitted to demonstrate the average annual turnover.

- b) The tenderer must have access to sufficient credit and other financial facilities to cover the required cash flow for a period of not less than 6 months. In any case, the amount of credit available must be at least EUR 1,000,000. The statement on available funds in EUR must be provided by a recognised bank and must be designated specifically for the project, aside of any other financial commitments they may have.

12.2.2. Technical and professional capacity of candidate:

- a) The tenderer must have completed as prime contractor in the last 5 (five) years period (25.08.2016 - 25.08.2021) at least 2 (two) projects of same nature and complexity, of which 1 (one) of minimum value of EUR 8 million. At least 1 (one) project must have been completed in a Member States of the European Union.

The contract is considered completed if at least taking over certificate or equivalent certificate is issued by a competent authority (Employers, Contracting Authorities, Clients or Engineers) clearly indicating the date of successful completion/acceptance of the works.

Tenderers shall submit copies of the certificates of completion signed by the supervisor / contracting authority / employer of the project concerned, if necessary duly translated into English.

Tenderers must submit such a certificate signed by the competent authority for the project concerned.

Note: If a tenderer has implemented the project in a JV/Consortium, it should be clear from the documentary evidence (Taking-Over/Performance Certificates) the percentage the tenderer has successfully completed.

Note: Same nature means project dealing with Eco-efficient buildings (residential/commercial/industrial/office use) as per LEED protocol or equivalent protocol.

Note: Completion means that the project the tenderer refers to could have been completed at any time during the indicated period, but not necessarily both started and completed during that period (implemented within the entire period). In any case, it must have been completed before the deadline for submission of tenders as stated in the Contract Notice.

- b) The tenderer must be a registered firm capable of carrying out the specified works; in 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 license(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 license only one member is sufficient to have it.

Note: The latest on the Commencement Date, the Contractor will have to be accredited (authorised) and registered in accordance with the relevant legislation of Montenegro (*all related costs, both for the legal body as well as the contractors personnel, shall be included in the Contract Price*). This includes:

- *Law on spatial planning and construction of structures* (Official Gazette of Montenegro, No. 64/17, 44/18, 63/18, 11/19, 82/20, with addenda, if any);
 - *Law on health and safety at work* (Official Gazette of Montenegro, No. 34/14 dated 08.08.2014 and 44/2018, with addenda, if any);
 - *Law on the Protection of Nature* (Official Gazette of Montenegro, No. 54/16, with addenda, if any),
 - Works register and technical rules drawing up the statements shall be as set out in the “Rulebook on the method of keeping and contents of the Building Log Book and Works Register” [“Pravilnik o načinu vođenja i sadržini građevinskog dnevnika i građevinske knjige] (“Sl. list Crne Gore”, br. 68/18 od 19.10.2018, including addenda, if any), and all other relevant norms standards and legislation (including the latest amendments).
 - The applicable rulebook on licensing is “*Rulebook on the manner and procedure of issuance and dormancy of licenses and the manner of keeping the registry of licences*” (Official Gazette of Montenegro no. 79/17 dated 29.11.2017, with addenda, if any) [Pravilnik o načinu i postupku izdavanja, mirovanja licence i načinu vođenja registara licenci” (“Sl. list Crne Gore”, br. 79/17 od 29.11.2017)].
 - More information can be found at the following links: <http://www.atcg.co.me/cg/>, <http://www.ingkomora.me/> and <http://www.mrt.gov.me/rubrike/zakonska-regulativa/131438/Zakonska-regulativa-iz-oblasti-gradevinarstva.html> (Legal regulations in the field of construction).
- d) 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.
- e) The lead member of a joint venture/consortium must be able to carry out at least 50 % of the contract works using its own means.
- f) A partner of a joint venture/consortium (i.e. not the lead member) must be able to carry out at least 10 % of the contract works using its own means.
- g) Tenderer’s key personnel must have appropriate qualifications, skills and experience as follows:
- 1) One (1) Contractor's representative
He/She will manage the contract and act as the contractor's representative according Clause 4.3 of GCC. He/She shall:
 - possess a university degree in civil engineering;

- have at least 15 years of professional experience in civil engineering, with particular regard to the eco-efficient building;
 - possess proven experience of having at least two (2) successfully completed Construction Contracts (on the position of Contractor's Representative or Project Manager (Supporting documentation must be provided));
 - possess a high level of English (i.e. corresponding to level C2 in form 4.6.1.3).
- 2) One (1) Site engineer
- He/She shall be in charge of the execution of construction works and be present on site full time. He/She shall:
- possess a university degree in civil engineering;
 - have at least 5 years of professional experience in site management;
 - possess a good level of English (i.e. corresponding to levels C2, C1 or B2 in form 4.6.1.3).
- 3) One (1) Site engineer
- He/She shall be in charge of the execution of architecture works and be present on site full time. He/She shall:
- possess a university degree in architecture;
 - have at least 5 years of professional experience in site management;
 - possess a good level of English (i.e. corresponding to levels C2, C1 or B2 in form 4.6.1.3).
- 4) One (1) Site Engineer:
- He/She shall be in charge of the execution of mechanical works and be present on site full time. He/She shall:
- possess a university degree in mechanical engineering;
 - have at least 5 years of professional experience in site management;
 - possess a good level of English (i.e. corresponding to levels C2, C1 or B2 in form 4.6.1.3).
- 5) One (1) Site Engineer:
- He/She shall be in charge of the execution of electrical works and be present on site full time. He/She shall:
- possess a university degree in electrical engineering;
 - have at least 5 years of professional experience in site management;
 - possess a good level of English (i.e. corresponding to levels C2, C1 or B2 in form 4.6.1.3).

During the Contract implementation, the Contractor shall employ additional personnel (at least one representative of the contractor must be civil hydraulic engineer, geodetic expert, firefighting expert, health and safety expert, quality assurance expert, environment expert and any other expert considered necessary by the Tenderer) as required for contract implementation. At this point, there are no specific qualification requirements for non-key personnel from the Contracting Authority's/Employer's side.

- h) At the moment of tender submission, the above key personnel 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. Submission of the documents in the tender phase is not obligatory. A statement and/or provision of the name and/or number of the document in the CV is sufficient. In the course of contract implementation, the personnel will have to

possess a professional licence(s)/certificate(s) (or right), in accordance with the relevant legislation of Montenegro (the laws are listed above).

12.2.3. 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.

15. Award criteria

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

APPLICATION AND TENDERING

16. How to obtain the tender dossier

The tender dossier is available from the website of the Public Works Administration - website www.ujr.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 Public Works Administration - ujr@ujr.gov.me (mentioning the publication reference) at least 21 days before the deadline for submission of tenders given in item IV.2.2) of the Contract Notice. The Contracting Authority/Employer 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 the Public Works Administration website www.ujr.gov.me.

17. Tender opening session

Date: 25.08.2021

Time: 12:30

Venue:

Public Works Administration

Address: Arsenija Boljevića street 2a (City Mall, 3rd floor)

81000 Podgorica, Montenegro

18. Language of the procedure

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

28. Additional information

Financial data to be provided by the candidate in the standard application form or the tenderer in the tender form must be expressed in EUR.