

APPENDIX I

**to the Annex IV to the MEMORANDUM of UNDERSTANDING (MoU)
between the Italian Ministry for the Environment Land and Sea
and the Macedonian Ministry of Environment and Physical Planning
on “Cooperation in the field of the Environment and Sustainable Development”**

PROCEDURE AND CRITERIA

Rome – Skopje, May 2009

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1. BACKGROUND

The industrial area of the Organic Chemical Industrial Factory – OHIS in Skopje is highly contaminated with lindane and other POPs produced in the period between 1964 and 1977. These isomers represent a risk to human and environment health due to their high toxicity, bio-accumulative nature and long range movement.

With the purpose of supporting the reclaim of this hot spot, Government of Czech Republic financed a pre-feasibility study in 2008, which confirms the existence of the pollution in the area and the need of specific actions to remediate the site. At this moment, it is highly important to realize a detailed feasibility study and a conceptual design in order to proceed with the implementation phase of the project.

The cooperation in the field of preventing industrial accidents and imposing chemical and biological safety is provided within the Memorandum of Understanding (MoU) between the Ministry for the Environment, Land and Sea of the Republic of Italy and the Ministry of Environment and Physical Planning of the Republic of Macedonia signed in order to maintain and enhance bilateral co-operation in the field of environment and sustainable development on the basis of equality, reciprocity and mutual benefit. Considering like a priority the remediation and appropriate treatment of the site of the Organic Chemical Industrial Factory – OHIS in Skopje, the parties undersigned Annex IV to this MoU.

In order to implement the Annex IV to the Memorandum of Understanding between the Italian Ministry for the Environment, Land and Sea and the Macedonian Ministry of Environment and Physical Planning on “Cooperation in the field of environment and sustainable development” the Macedonian Ministry of Environment and Physical Planning issues a Call for Proposal for the preparation of a detailed feasibility study for the lindane and other POPs contamination of the OHIS site in Skopje and a conceptual design of the applicable remedial technologies in order to proceed with the implementation phase of the project.

2. PROCEDURE

The Call for Proposal will be issued by the Macedonian Ministry of Environment and Physical Planning and will be aimed at selecting Italian consulting company that have technical and other (listed below) capacities to develop a detailed feasibility study for the lindane and other POPs contamination of the OHIS site in Skopje and a conceptual design of the applicable remedial technologies in order to proceed with the implementation phase of the project. The Call will be published both in Macedonian and Italian daily news-papers starting from 9th June, 2009.

The selection of the companies will be conducted through one phase procurement procedure and in accordance with the EU legislation (EU Directive 2004/18/EC). Candidates will be invited to present their technical proposal for preparing a detailed feasibility study and a conceptual design and to respectively justify their administrative, technical and financial capacity. The needed documentation should be submitted in time period of 30 days from the day of publishing the Call for Proposal. Any Proposal not being received by this given time will not be considered. The Proposals will have to be submitted as hard copy and as electronic version (CD). All documents will have to be submitted in English language to:

**Ministry of Environment and Physical Planning of the Republic of Macedonia,
Bulevar Goce Delcev bb, MRTV Building, 10th floor, 1000 Skopje
Republic of Macedonia**

With reference: OHIS site remediation

After the expiration of the deadline, the Commission nominated by the Joint Committee will examine the documentation submitted by the companies. The Commission, consisted of four members (two from Macedonian and two from Italian side), will review the documentation received within 30 days after the deadline. The Joint Committee will receive a written opinion from the Commission and, on its basis, will make the final selection of the Italian consulting company within 30 days.

Once the final decision is reached by the Joint Committee, every company that submitted documents for the Call for Proposal will be informed in written for the positive or negative outcome from the selection process.

After finishing the evaluation procedure, the selected company will stipulate a contract with the Ministry of the Environment and Physical Planning of Republic of Macedonia in order to allocate the financial assistance for the preparation of a detailed feasibility study and a conceptual design. The contract budget will be 250.000,00 €

3. DOCUMENTS REQUIRED FOR THE PROPOSAL

Applicants are required to submit the complete documentation listed below. In case an incomplete documentation is submitted, the Joint Committee reserves the right to reject the Proposal.

If the Applicants are applying jointly, the Lead Applicant needs to be clearly identified. In case of participation as a temporary association of companies or as a not yet formally established consortium, the legal representative of each company shall undertake, in case of selection, respectively to grant full power of legal representation to the Lead Applicant to sign the financing contract on behalf of the temporary association, or to establish the consortium.

The Applicants need to submit:

1. Cover letter (Attachment II);
2. General information (Attachment III);
3. Proof of legal existence - recent extract from a Professional or Trade Register, or equivalent documentation (Attachment IV);
4. Declaration on exclusion criteria (Attachment V);
5. Proof of financial capacity: year-end balance sheets and profit and loss accounts for the past 3 financial years (Attachment VI);
6. Reference list of key projects carried out by the Applicant (Attachment VII);
7. Resumes (EC format) of the project team members, with summary table (Attachment VIII);
8. Technical Proposal in accordance to the Scope of Work outlined in Attachment IX;
9. Work Plan reporting the time schedule of the activities.

The Joint Committee may request the submission of additional information concerning the submitted documentation for clarification purposes.

4. SELECTION CRITERIA

Applicants will be assessed on the following criteria:

4.1 Exclusion criteria

Ineligibility

Any Applicant who is unable to fulfill the requirements as of Article 45 of Directive 2004/18/EC will be excluded from participation if he:

- a) is bankrupt or is being wound up, whose affairs are being administered by the court, who has entered into an arrangement with creditors, who has suspended business activities or who is in any analogous situation arising from a similar procedure under national laws and regulations;
- b) is the subject of proceedings for a declaration of bankruptcy, for an order for compulsory winding-up or administration by the court or for an arrangement with creditors or of any other similar proceedings under national laws or regulations;
- c) has been convicted of an offence concerning his professional conduct by a judgment which has the force of res judicata;
- d) has been guilty of grave professional misconduct proven by any means which the contracting authorities can justify;
- e) has not fulfilled obligations relating to the payment of social security contributions in accordance with the Italian legislation or legal provisions of the country in which he is established;
- f) has not fulfilled obligations relating to the payment of taxes in accordance with the Italian legislation or with the legal provisions of the country where he is established;
- g) is guilty of serious misrepresentation in supplying or failing to supply the information that may be required under this Call for Expression of Interest on the criteria for qualitative selection.

Registration

According Article 4 of the Annex IV to the Memorandum of Understanding between the Italian Ministry for the Environment, Land and Sea and the Macedonian Ministry of Environment and Physical Planning, the Applicants, Italian companies, must prove enrolment in a professional or trade register in the Republic of Italy. The relevant professional and trade registers or declarations or certificates in Italy are the “Registro della Camera di commercio, industria, agricoltura e artigianato”, the “Registro delle commissioni provinciali per l’artigianato” or the “Consiglio nazionale degli ordini professionali”. Recent extract from such a register should therefore be submitted.

Financial and Technical Capacity

The following selection criteria will be applied to candidates.

1) Economic and financial capacity of candidate.

- a) the average annual turnover of the Candidate (the firm or the Leader of the consortium) for the last three years for which accounts have been closed shall amount at least to 2,500,000 Euro. The candidate must specify the years in question.
- b) the Candidate (or the Leader in case of a consortium) should have been operational for the last five years.

2) Eligibility and Professional capacity of candidate

The Candidate shall be an Italian consulting firm, registered and permanently operating in Italy, with at least 15 permanent staff members of Italian nationality currently working in areas related to this contract.

3) Technical capacity of candidate

- a) The Candidate has a previous experience in the Western Balkans countries (Croatia, Serbia, Montenegro, Albania, Macedonia) and has successfully completed, during the last five years (ending on the deadline for submission of applications), at least two projects, in these countries, in the environmental investigation and/or remedial design sector. The value of services carried out by the Candidate under these projects shall amount to at least 250,000.00 EUR.
- b) The Candidate has successfully completed during the last five years (ending on the deadline for submission of applications) at least one project covering the fields of specialization as follows:
 - i. Technical assistance or consulting services within the framework of Bilateral Cooperation Programs for environmental protection and sustainable development;
 - ii. Site characterization plans, investigation activities and environmental risk assessment;
 - iii. Feasibility study / preliminary design for the remediation of contaminated soil and groundwater;

The total cumulative value of services carried out by the Candidate under such project(s) shall amount to at least 500,000.00 EUR. One project may cover one or more of these fields, but all fields have to be covered by such projects.

For the purposes of this tender, a project is considered “completed” if the Final report is approved or if equivalent evidence of completion of project activities is available, e.g. proof of final payment received by the deadline for submission of applications under the current tender procedure.

Please complete a table using the format enclosed as Attachment VII to summarize the major relevant projects related to this contract carried out in the course of the past 5 years by the legal entity or entities making this application. The number of references to be provided must not exceed 5 for the entire application.

4) Required personnel and facilities

For the implementation of the services a highly qualified team is required. In particular, the following professional figures, fluent in English, are requested to be part of the team:

- Project Manager, with a proven international experience and having at least 20 years experience in the field of environmental investigation and contaminated sites remediation field;
- Senior Geologist, with minimum 20 years experience in the Geo-environmental investigations field;
- Two Senior Engineers, with a minimum of 8 years experience in the environmental remedial programs;

Other experts shall be included in the proposed team in order to complete and integrate the multidisciplinary qualifications and experience of the proposed project team.

The resume of the project team members shall be completed using the format enclosed as Attachment VIII. Curricula Vitae in EC format is required.

4.2 Qualitative criteria

Technical and professional capacity

The Applicant should possess proven technical and professional capacity in designing and developing similar projects.

The technical capacity of the Applicant will be assessed by using indicators such as:

- Key expertise/core business of the Applicant/s, years of operations, permanent technical staff;
- Previous experience of the Applicant/s in similar projects;
- Professional experience of the Applicant/s in the Balkan countries;
- Strength of proposed project team (training, professional qualifications, regional experience, years in the business);
- Reduction of timeframe for the completion of the activities (maximum timeframe acceptable is 9 months, according to Attachment IX).

Financial and economic standing

The financial and economic standing of the Applicant will be assessed based on the information included in Attachment VI, and mainly on the year-end complete financial statements for the past 3 financial years.

4.3 Criteria for the Selection of the best Tender:

The following evaluation criteria will be applied for the selection of the best Proposal:

1)	Technical Proposal	score	max 30/100 points
2)	Specific Experience (relevant projects)	score	max 30/100 points
3)	Qualifications of the Team	score	max 30/100 points
4)	Timeframe for completion of the works	score	max 10/100 points

Any Proposal not being received by the Joint Committee by the given time within the Call for Proposal will not be considered.