

CORRIGENDUM No: 1
to the
CONTRACT NOTICE

Publication Ref: 2017/387-271/TD10

Subject: Works on the regulation and recovering of the river bed on the river Kamišina in Mokra Gora (Užice) and on the regulation of the river Rača in Bajina Bašta municipality

Location City of Užice and Municipality of Bajina Bašta, Republic of Serbia

The contract notice is corrected or modified as follow:

Point n° 13: Information meeting and/or site visit

INSTEAD OF:

A mandatory site visit will be organised at the future construction sites by the Kamišina and Rača rivers on July 27th, 2018, however, the gathering of the interested tenderers will take place at the premises of the City of Užice, 52 Dimitrija Tucovića Street, 31000 Užice, on July 27th, 2018 at 14:00 hours.

Potential tenderers are obliged to confirm their attendance in writing to the aforementioned address or via e-mail: fds.srb-bih@uzice.rs or by fax: 031/510-098 and to submit confirmation authorization letter for the person(s) who will be appointed to the site inspection on behalf of the Company (powers of attorney of similar form of authorization letter signed by legally empowered signatories representing your Company) in order to certify their signature(s). As proof of participation, tenderers will receive a confirmation of their site visit in a form of a certificate of their site visit.

A site visit is compulsory, so potential tenderers are strongly advised and obliged to inspect both locations of the works and their surroundings for the purpose of assessing, at his own responsibility, expense and risk, factors necessary for the preparation of tenders and signing the contracts for the works.

In accordance with a principle of equal treatment, the Contracting Authority can not organize another site visit or site visits on individual basis. However, companies which might not be present during the site visit are allowed to be subcontractors or members of a joint venture/consortium (but not a lead member) with other companies which attended compulsory site visit.

Companies whose representatives attended site visit on 27th April 2018, within the tender procedure with ref. no: 2017/387-271/TD06 which was later cancelled, may attend site visit once again, but are not obliged.

NOTE: Only Tenderers that have been participating to the mandatory site visit will be eligible for submitting a tender.

PLEASE READ:

A mandatory site visits will be organised at the future construction sites by the Kamišina and Rača rivers on:

- 10th August 2018, however, the gathering of the interested tenderers will take place at the premises of the City of Užice, 52 Dimitrija Tucovića Street, 31000 Užice, on 10th August 2018 at 13:00 hours
- 17th August 2018, however, the gathering of the interested tenderers will take place at the premises of the City of Užice, 52 Dimitrija Tucovića Street, 31000 Užice, on 17th August 2018 at 13:00 hours

Potential tenderers are obliged to confirm their attendance in writing to the aforementioned address or via e-mail: fds.srb-bih@uzice.rs or by fax: 031/510-098 and to submit confirmation authorization letter for the person(s) who will be appointed to the site inspection on behalf of the Company (powers of attorney of similar form of authorization letter signed by legally empowered signatories representing your Company) in order to certify their signature(s). As proof of participation, tenderers will receive a confirmation of their site visit in a form of a certificate of their site visit.

A site visit is compulsory, so potential tenderers are strongly advised and obligatory to inspect both locations of the works and their surroundings for the purpose of assessing, at his own responsibility, expense and risk, factors necessary for the preparation of tenders and signing the contracts for the works.

In accordance with a principle of equal treatment, the Contracting Authority cannot organize another site visit or site visits on individual basis. However, companies which might not be present during the site visit are allowed to be subcontractors or members of a joint venture/consortium (but not a lead member) with other companies which attended compulsory site visit.

Companies whose representatives attended previously organized site visits (site visits on 27th April 2018 within the tender procedure with ref. no: 2017/387-271/TD06, which was later cancelled and on 27th July 2018 within the tender procedure with ref. no: 2017/387-271/TD10, which has been modified), may attend site visit once again, but are not obliged.

NOTE: Only Tenderers that have been participating to the mandatory site visit will be eligible for submitting a tender.

Point n° 16: Selection criteria

INSTEAD OF:

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. This must be provided by tenderers using the forms described in 12.1 in Instruction to tenderers and any additional forms tenderers may wish to use.

If a tender is submitted by a consortium, the selection criteria will be applied to the consortium as a whole.

The selection criteria for tenderers are as follows:

1) Economic and financial capacity of candidate:

1.1) The average annual overall turnover of the last three financial years (2017, 2016 and 2015) must be at least 47.673.480,00 RSD (or EUR 400,000.00¹ if the tenderer is registered in the country other than Serbia) for tenderers applying to a single lot, and at least 95.346.960,00 RSD (or EUR 800,000.00 if the tenderer is registered in the country other than Serbia) for tenderers applying to both lots.

In the case that offer is submitted by a joint venture/consortium, the lead member of a joint venture/consortium must be able to carry out at least 50% of the contract works using its own financial means, which means that the lead member of a joint venture/consortium must have at least 50% of the required average annual turnover.

Documentary evidence of financial and economic standing:

- tenderer is obliged to provide copies of balance sheets and income statements (profit and loss account) for the last 3 years for which accounts have been closed (2017, 2016 and 2015), as a documentary proofs of financial and economic standing.

2) Technical and professional capacity of candidate:

2.1) it must have completed or have under completion at least 1 contract of similar nature and complexity as the works concerned by the tender (river-flow regulation or reconstruction of the riverbed or riverbed cleaning or construction/reconstruction of the stone riverbed/riverbank coverings) implemented during the past 3 years from the submission deadline, 24th September 2018. That means that the contracts the tenderer refers to, could have been started/implemented/completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit proofs of implemented works/contracts during the past 3 years, (until 24th September 2018) in the form of copies of certificates of satisfactory execution or certificates of final acceptance, issued and signed by the supervisors/relevant 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 or are under completion.

This means that the contracts could have been completed at any time during the indicated period, but it does not necessarily have to be started and completed during that period, nor implemented during the whole period. Tenderers are allowed to refer either to contracts completed within the reference period (although started earlier) or to contracts started and

¹ Payments under this contract will be made in the currency of the tender.

completed during the reference period. In all cases, the contracts will be considered in its whole.

These documents shall clearly demonstrate the compliance of the presented references with the above criteria and prove that tenderer have completed or is under completion of at least 1 contract of similar nature and complexity as the works concerned by the tender and implemented (river-flow regulation, reconstruction of the riverbed, riverbed cleaning, construction/reconstruction of the stone riverbed/riverbank coverings), implemented during the past 3 years from the submission deadline. The Contracting Authority reserves the right to check the accuracy and validity of the information given by the tenderers in relation to reference contracts.

2.2) it must have completed or have under completion at least 1 contract for the execution of works, financed from IPA project/funds and implemented during the past 3 years from the submission deadline, 24th September 2018. That means that the contracts the tenderer refers to, could have been started/implemented/completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, nor implemented during the entire period.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit proofs of implemented works/contracts during the past 3 years, (until 24th September 2018) in the form of copies of signed contracts together with the certificates of satisfactory execution or certificates of final acceptance, issued and signed by the supervisors/relevant 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 or are under completion.

This means that the contracts could have been completed at any time during the indicated period, but it does not necessarily have to be started and completed during that period, nor implemented during the whole period. Tenderers are allowed to refer either to contracts completed within the reference period (although started earlier) or to contracts started and completed during the reference period. In all cases, the contracts will be considered in its whole.

These documents shall clearly demonstrate the compliance of the presented references with the above criteria and prove that tenderer have completed or is under completion of at least 1 contract for the execution of works, financed from IPA project/funds, implemented during the past 3 years from the submission deadline. The Contracting Authority reserves the right to check the accuracy and validity of the information given by the tenderers in relation to reference contracts.

2.3) it must have at least 50 employees, full or part time contracted with the Tenderer, of which at least 3 employees with appropriate technical education and a degree in Civil engineering or equivalent, able to perform work of the Site Manager, having at least 2 years professional experience with proven qualifications in civil engineering or site management, proficient in the official language of the country of implementation (Serbian), with an appropriate and valid certificate/license for the execution of works (license no. 410, 413, 414 or 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia) in accordance with the legislation of the Republic of Serbia.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit copies of employment contracts or temporary service agreement with the key experts (engineers able to perform work of the site manager), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.),
- tenderer is obliged to submit copies of relevant diplomas for the key experts (engineers able to perform work of the site manager), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.),
- tenderer is obliged to submit copies of relevant certificates/licenses for the execution of works for engineers in accordance with Serbian legislation (license no. 410, 413, 414 or 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.).
- tenderer is obliged to submit copies of corresponding documents as a proof of employment of 50 persons (Statistical annex in Serbia or documents with official data on the business performance issued by relevant institutions in other countries)

2.4) is certified against the ISO 9001, ISO 14001 and OHSAS 18001 standards respectively related to quality management system, environmental management system and health and safety management system

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit copies of valid certificates of conformity to the standards ISO 9001, ISO 14001 and OHSAS 18001, issued by relevant international or domestic bodies and valid in the moment of tender submission. If submitted certificates are not valid in the moment of tender submission, the tenderer must deliver verification from the relevant certification body that certification or recertification is in progress.

2.5) it must declare that it will have at least 1 person responsible for occupational health and safety at workplace or will engage the relevant agency registered for conducting occupational safety and health at work after signing contract on execution of the works.

During the execution of works, person(s)/agency responsible for occupational health and safety at workplace must comply with conditions stipulated by the investor and coordinator for health and safety at workplace in line with the plan on preventive measures for OHS prepared in accordance with the Serbian Occupational Safety and Health Law and other relevant laws and legal provisions.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit a declaration/statement that it will appoint at least 1 person responsible for occupational health and safety at workplace or will engage the relevant agency registered for conducting occupational safety and health at work after signing contract on execution of the works. Declaration/statement may be submitted in a free form.

2.6) it must possess at least: 3 (three) dump trucks with a load capacity of at least 20 tonnes, 3 (three) excavators or backhoe loaders with at least 70kW engine power, and 1 (one) concrete mixer truck.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit a copies of vehicles registration certificates and of an inventory list of fixed assets or the accounts purchases or a purchase invoice, in case that machines are owned or recently bought by the tenderer. If the tenderer do not own machines, it is obliged to provide a statement in a free form, that the equipment rental contract will be signed with the renter after signing contract for the execution of works and the equipment rental agreement together with copies of vehicles registration certificates after signing contract for the execution of works. Proof documents must be provided as an annex to the Form Plan - a list of plant/equipment/machines for execution of the contract (Volume 1, section 4, form 4.6.2.).

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. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies mostly on the capacity of other entities or when it relies on key criteria. 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, for example by producing an undertaking 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. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be furnished at the request of the Contracting Authority.

PLEASE READ:

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. This must be provided by tenderers using the forms described in 12.1 in Instruction to tenderers and any additional forms tenderers may wish to use.

If a tender is submitted by a consortium, the selection criteria will be applied to the consortium as a whole.

The selection criteria for tenderers are as follows:

1) Economic and financial capacity of candidate:

1.1) The average annual overall turnover of the last three financial years for which accounts have been closed must be:

- at least 19.069.392,00 RSD (or EUR 160,000.00² if the tenderer is registered in the country other than Serbia) for tenderers applying to LOT1,
- at least 29.795.925,00 RSD (or EUR 250,000.00 if the tenderer is registered in the country other than Serbia) for tenderers applying to LOT2 and
- at least 47.673.480,00 RSD (or EUR 400,000.00 if the tenderer is registered in the country other than Serbia) for tenderers applying to both lots

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

² Payments under this contract will be made in the currency of the tender.

Documentary evidence of financial and economic standing:

- tenderer is obliged to provide copies of balance sheets and income statements (profit and loss account) for the last 3 financial years for which accounts have been closed, as a documentary proofs of financial and economic standing.

2) Technical and professional capacity of candidate:

2.1) it must have completed at least 1 contract of similar nature and complexity as the works concerned by the tender, implemented during the past 5 years from the submission deadline - 24th September 2018.

Similar nature and complexity means works regarding river-flow regulation, or reconstruction of the riverbed, or riverbed cleaning, or construction/reconstruction of the stone riverbed/riverbank coverings.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit proofs of implemented works/contract during the past 5 years, (until 24th September 2018) in the form of copies of certificates of satisfactory execution or certificates of final acceptance, issued and signed by the supervisors/relevant 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 or are under completion.

This means that the contracts could have been started/implemented/completed at any time during the indicated period, but it does not necessarily have to be started and completed during that period, nor implemented during the whole period. Tenderers are allowed to refer either to contracts completed within the reference period (although started earlier) or to contracts started and completed during the reference period. In all cases, the contracts will be considered in its whole.

These documents shall clearly demonstrate the compliance of the presented references with the above criteria. The Contracting Authority reserves the right to check the accuracy and validity of the information given by the tenderers in relation to reference contracts.

2.2) it must have:

- if applying to a single lot, at least 25 employees, full or part time contracted with the Tenderer, of which at least 2 employees with appropriate technical education and a degree in Civil engineering or equivalent, able to perform work of the Site Manager, having at least 2 years professional experience with proven qualifications in civil engineering or site management, proficient in the official language of the country of implementation (Serbian), with an appropriate and valid certificate/license for the execution of works (license no. 410, 413, 414 or 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia) in accordance with the legislation of the Republic of Serbia.

- if applying to both lots, at least 50 employees, full or part time contracted with the Tenderer, of which at least 3 employees with appropriate technical education and a degree in Civil engineering or equivalent, able to perform work of the Site Manager, having at least 2 years professional experience with proven qualifications in civil engineering or site management, proficient in the official language of the country of implementation (Serbian), with an appropriate and valid certificate/license for the execution of works (license no. 410, 413, 414

or 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia) in accordance with the legislation of the Republic of Serbia.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit proof of employment of 25 or 50 persons, in a form of valid form on submitted application for registration to compulsory social insurance (M-A form or equivalent documents issued by relevant institutions in other countries)
- tenderer is obliged to submit copies of employment contracts or temporary service agreement with the key experts (engineers able to perform work of the site manager) together with belonging valid form on submitted application for registration to compulsory social insurance (M-A form or equivalent documents issued by relevant institutions in other countries), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.),
- tenderer is obliged to submit copies of relevant diplomas for the key experts (engineers able to perform work of the site manager), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.),
- tenderer is obliged to submit copies of relevant certificates/licenses for the execution of works for engineers in accordance with Serbian legislation (license no. 410, 413, 414 or 473, related to hydro-technical works and the erosion and torrent control works, issued by the Serbian Chamber of Engineers, in line with the Law on Planning and Construction of the Republic of Serbia), as an Annex to the CV Form 4.6. (Volume 1, section 4, forms 4.6.1.2. and 4.6.1.3.).

2.3) is certified against the ISO 9001, ISO 14001 and OHSAS 18001 standards respectively related to quality management system, environmental management system and health and safety management system

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- tenderer is obliged to submit copies of valid certificates of conformity to the standards ISO 9001, ISO 14001 and OHSAS 18001, issued by relevant international or domestic bodies and valid in the moment of tender submission. If submitted certificates are not valid in the moment of tender submission, the tenderer must deliver verification from the relevant certification body that certification or recertification is in progress.

2.4) it must have at its disposal (owned or rented) at least:

- 1 (one) dump truck, 1 (one) excavator or backhoe loader and 1 (one) concrete mixer truck if applying to a single lot,
- and 3 (three) dump trucks, 3 (three) excavators or backhoe loaders and 1 (one) concrete mixer truck if applying to both lots.

If a tender is submitted by a joint venture/consortium, the selection criteria will be applied to the joint venture/consortium as a whole.

Documentary proof/evidence of this criteria within technical and professional capacity:

- it is obliged to submit a copies of vehicles registration certificates for machines that are owned by the tenderer and/or a copies of equipment rental contracts together with copies of vehicles registration certificates if machines are rented.

Proof documents must be provided as an annex to the Form Plan - a list of plant/equipment/machines for execution of the contract (Volume 1, section 4, form 4.6.2.).

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. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies mostly on the capacity of other entities or when it relies on key criteria. 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, for example by producing an undertaking 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. Furthermore, the tender should include a separate document providing data on this third entity for the relevant selection criterion. Proof of capacity must be furnished at the request of the Contracting Authority.

All other terms and conditions of the contract notice remain unchanged. The above alterations and /or corrections to the contract notice are integral part of the contract notice.