

Service procurement notice

for the production of design and planning documentation for road construction within the project
“Local Development and Preconditions for Border Pass Opening and Motorway Construction across the Ukrainian-Romanian State Border in Shybene Verkhovyna District Ivano-Frankivsk oblast of Ukraine and Poenile-de-su-Munte Maramures county of Romania”

HUSKROUA/1001/072

Location:

Europe (non EU) - Ukraine

Common procurement vocabulary (CPV):

Main object:

71242000-6 Project and design preparation, estimation of costs.
IA39-3 For motorways.

1. Publication reference:

09072012

Internet address of Contracting Authority

www.arpi.org.ua

2. Procedure:

Restricted.

3. Programme: ENPI CBC Programme Hungary-Slovakia-Romania-Ukraine 2007-2013

4. Financing:

Budget line.

5. Contracting authority:

The Beneficiary - Public organization “Agency for Private Initiative development”, 26 Dnistrovska st., Ivano-Frankivsk, 76018, Ukraine in the partnership with Ivano-Frankivsk Regional State Administration.

6. Nature of the contract:

Fee-based.

7. Contract description:

Engineering survey works and preparation of design and estimate documentation for road construction: village Il'tsi-village Yavirnyk – State border with Romania (≈40 km, mountainous landscape) in Ivano-Frankivsk region, Ukraine. The design estimate documentation should be prepared according to the valid state building norms of Ukraine. State construction expertise confirms the execution of works under the contract.

8. Number and titles of lots:

1 lot

9. Budget:

Maximum budget 285 000 Euro.

10. Scope for additional services:

The Contractor with the approval from the Contracting Authority provides additional services to the services foreseen in the contract if the provision of additional services is necessary for the contract execution. The extension of the term of the contract and/or scope of services under the contract is based on the ultimate goals of the contract.

Conditions of Participation**11. Eligibility:**

Participation in tender procedures administered by the Contracting Authority is open on equal terms to all natural and legal persons of the Member States and the countries foreseen in art. 21 of the ENPI regulation 1638/2006, which includes ENPI (European Neighbourhood Partnership Instrument), IPA (Instrument for pre-accession assistance) and EEA (European Economic Area) countries. The exact list of eligible countries can be found in Annex 3 to this procurement notice. It is also open for International organizations.

12. Candidature:

All eligible natural and legal persons (as per item 11 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 members of a consortium (ie, the leader and all other members) are jointly and severally liable to the Contracting Authority.

The participation of an ineligible natural or legal person (as per item 11) will result in the automatic exclusion of that person from the participation of the procurement procedure. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

13. Number of applications:

No more than 1 application can be submitted by a natural or legal person whatever the form of participation is chosen (as an individual legal entity or as leader or member of a consortium submitting an application). In the event that a natural or legal person submits more than 1 application, all applications in which that person has participated will be excluded.

14. Shortlist Alliances Prohibited:

Any tenders received from tenderers having a different composition than the ones on the application forms will be excluded from this restricted tender procedure, unless prior approval from the Contracting Authority has been obtained.

Under the restricted procedure, the Contracting Authority invites a limited number of candidates to tender. Before launching a tender procedure, it will draw up a shortlist of candidates selected as a result of their qualifications. During the selection procedure all the responses to a procurement notice are examined and participants who are invited for the further participation in the procurement procedure are determined (selection of shortlisted candidates).

In the second stage of the procedure, the Contracting Authority invites the shortlisted candidates and sends them the tender dossier. In order to ensure fair competition, tenders must be submitted by the same service provider or consortium which has submitted the application form on the basis of which it was short-listed and to which the letter of the invitation to tender is addressed. Change of the participant or composition of the consortium are not permitted, unless duly justified and where the Contracting Authority has given its prior approval in writing, after having consulted the Procurement Committee of goods, works and services. Such approval could be given, based on an assessment of the specificities of the case and provided that the conditions of competition of the call are not altered. The examples of such approval are:

- where a merger has taken place between a shortlisted candidate/member of a consortium with another company and where the new company is found to meet the eligibility and exclusion criteria and does not give rise to any conflict of interest;
- swapping of positions within the consortium;

- a partner leaves the consortium but this does not alter the consortium to fulfill the selection criteria independently.

The successful tenderers chosen by the procurement procedure are not allowed to group.

15. Grounds for exclusion:

As part of the application form, candidates must submit a signed declaration, included in the standard application form, to the effect that they are not in any of the exclusion situations. If the applicant is in the exclusion situation he could be excluded from participation in procurement procedures. The declaration form is presented in the Annex 2 to this procurement notice.

16. Sub-Contracting:

Sub-contracting is allowed.

Maximum percentage of the contract value which may be sub-contracted must not exceed 50%.

17. Number of candidates to be short-listed:

On the basis of the applications received, at least 4 and at most 8 candidates will be invited to submit detailed tenders for this contract. If the number of eligible candidates meeting the selection criteria is less than the minimum of 4, the Contracting Authority may invite the candidates who satisfy the criteria to submit a tender.

Provisional Timetable

18. Provisional date of invitation to tender:

Date: 10/08/2012

19. Provisional commencement date of the contract:

Date: 10/09/2012

20. Initial period of implementation of tasks:

Duration in months: 10 months (from the award of the contract)

Selection and award criteria

21. Selection criteria:

In order to participate in the procurement procedure the candidates must comply with the selection criteria. The following selection criteria will be applied to candidates – natural person or consortium (in the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole).

1. Financial capacity of candidate:

- 1.1. The annual turnover of the candidate in 2011 exceeds 50% of the maximum contract budget (142 500 EUR) or availability of the bank guarantee equivalent or exceeding stated above amount.
- 1.2. No tax or budgetary payments debts.
- 1.3. No overdue bank loan debts.
- 1.4. The level of assets liquidity at the beginning and at the end of 2011 (the ratio of financial resources on the accounts and receivable to the assets) is equal to or greater than 1.

2. Professional capacity of candidate to execute the contract:

- 2.1 At least 5 employees with relevant qualification have necessary knowledge and experience appropriate to this contract.
- 2.2 The candidate should have had experience of at least 2 similar contracts in 2010-2012.

3. Technical capacity:

3.1 Availability of necessary equipment and material and technical resources for the fulfillment of works specified in the contract and paragraph 7 of this notice.

3.2 Availability of valid license issued under the legislation of Ukraine on business activity in construction related to the creation of architectural objects with the list of works mentioned - survey works for construction, development of urban planning, design of architecture objects (including engineering structures; hydrotechnical structures and facilities; transportation networks, facilities and systems; automobile roads; bridges, overpasses, passages: design of bearing and enclosing structures).

3.3 Compliance with the subject of the contract to the main activities of the participant.

The participant may, where appropriate and for a particular contract, rely on the capacities of other entities through the joint establishment of the companies, signing contracts etc. The above mentioned right is not applicable to the cases where other organizations are responsible for the execution of the main part of the contract or performance of the essential (core) parts of the contract. The candidate must prove that it will have at its disposal the resources necessary for performance of the contract provided by other participants (such evidence, in particular, are: statute or foundation agreement of the business partnership, a written guarantee from the organization, which holds the corporate rights on the registered capital). The involved by the participant persons, for instance the parent company, must respect the same rules of eligibility and nationality, as the candidate. Furthermore, the data for this third involved entity for the relevant selection criterion should be included in the tender in a separate document.

If more than 8 eligible candidates meet the above selection criteria, the Contracting authority examines the complex of characteristics of such candidates and identifies the eight best applications for the tender procedure. The only factors which will be taken into consideration during this examination are:

- economic and financial capacity - assessment of the financial capacity of the participants on the basis of the provided documentation;
- professional capacity - evaluation of existing experience, professional employees that are available to the participant, the complexity and scope of previously executed similar contracts, reference letters from customers;
- technical capacity - analysis of existing material and technical resources.

22. Award criteria:

Best value for money

Application

23. Deadline for receipt of applications:

09/08/2012 (4:00 p.m.) Local time.

Any application received after this deadline will not be considered.

24. Applications format and details to be provided:

Applications must be submitted using the standard application form and instructions of which must be observed. The application form is presented in the Annex 1 to this notice and available at the following Internet address: www.arpi.org.ua

Any additional documentation (brochures, letters, etc.) not required by this notice as compulsory for submission with the application, but sent with an application will not be taken into consideration.

25. How applications may be submitted:

Applications must be submitted to the Contracting Authority in the Ukrainian language:

- either by recorded delivery (official postal service) to the address:

Public organization "Agency for Private Initiative Development", 26 Dnistrovska St., Ivano-Frankivsk, 76018, Ukraine or

- hand delivered (including courier services) directly to the Contracting Authority in return for a signed and dated receipt to:

Contact person: Mrs. Lada Malaniy, 09:00-5:00 (GMT+02:00), Monday-Friday as in above-mentioned address.

The Contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the application and must always be mentioned in all subsequent correspondence with the Contracting Authority. Applications submitted by any other means will not be considered.

26. Alteration or withdrawal of applications:

Candidates may alter or withdraw their applications by written notification prior to the deadline for submission of applications. No applications may be altered after this deadline. Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with paragraph 25 of this notice. The outer envelope (and the relevant inner envelope if used) must be marked "Alteration" or "Withdrawal" as appropriate.

27. Operational language:

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

28. Legal basis:

- The regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument.
- Regulation (EC) No 951/2007 of 9 August 2007 laying down implementing rules for cross-border cooperation programmes financed under regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down the general provisions establishing a European Neighbourhood and Partnership Instrument (OJ L210, 10.8.2007)

29. Additional information obligatory for submission:

In order to participate in the restricted tender procedure the participants together with the standard application (Annex 1) shall submit the following documents:

The legal and natural candidates provide:

- Signed declaration (Annex 2).
- Certificate that the candidate was not prosecuted under the law to liability for a corruption in public procurement (in the free form).
- Information about the authorized persons (officials) of the participant, who have the right to represent the candidate's interests during the procurement procedure (in the free form).
- Certificate that the authorized persons (officials) of the participant, who have the right to represent the candidate's interests during the procurement procedure, have not been convicted of a crime involving a violation of the procurement procedure, or other offense committed for interested motives, of which no record is cleared or canceled in accordance with the law (in the free form).
- Copy of the document confirming the status and authority of the person to sign the contract after the completion of the procurement procedure (extract from the minutes of the founders' meeting on the director appointment, power of attorney for the person whose authorities are not defined by the foundation document of the participant).
- Original or notarized copy of the certificate from the Department of bankruptcy or its regional office that the candidate is not recognized as bankrupt and he is not under the liquidation procedure. (The certificate should be issued not later than one month from the date of this procurement notice publication. Applicable for the candidates from Ukraine only).
- Copy of the valid license issued under the legislation of Ukraine on business activity in construction related to the creation of architectural objects with the list of works mentioned - survey works for construction, development of urban planning, design of architecture objects (including engineering structures; hydrotechnical structures and facilities; transportation networks, facilities and systems; automobile roads; bridges, overpasses, passages: design of bearing and enclosing structures).
- Copies of all the contacts mentioned in section 6 "Experience" of the application.
- Copies of all the reference letters from the organizations which had signed contracts with the candidate listed in section 6 "Experience" proving the quality of the executed contracts signed by the senior official of these organizations.

Additionally legal persons provide:

- Copy of the balance sheet for 2011.
- Copy of the profit and loss accounts for 2011.
- Copy of the cash flow statement for 2011.
- Original or notarized copy of the certificate issued by all banking institutions that provide financial services for the candidate on the absence of overdue loans regarding each established account separately. (The certificate should be issued in the current month of the application submission).
- Extract from the Unified State Register of Legal Entities and Individual Entrepreneurs or document confirming the registration of legal entity in the country of its location (an extract from the trade, bank or court register etc.) legalized in the established order.
- Copy of the statute or other foundation document.

Additionally natural persons provide:

- Extract from the Unified State Register of Legal Entities and Individual Entrepreneurs or document confirming the registration of legal entity in the country of its location (an extract from the trade, bank or court register etc.) legalized in the established order.
- Certificate that the participant has not been convicted of a crime involving a violation of the procurement procedure, or other offense committed for interested motives, of which no record is cleared or canceled in accordance with the law (in the free form).
- Copy of the passport.
- Copy of the identification/social security code.

- Copy of the taxpayer certificate (simplified taxation scheme certificate, value added tax certificate).

30. Date of dispatch of this notice:

09.07.2012