**WORKS CONTRACT NOTICE**

**Contract title: Small scale constructions for the needs of Municipality of Botevgrad under project CB007.2.11.224 with 3 lots:**

**LOT 1: Exhibition and Socialization of the Clock Tower in Botevgrad under project CB007.2.11.224**

**LOT 2: Exterior promoting center in Botevgrad under project CB007.2.11.224**

**LOT 3: Realization of open air museum under project CB007.2.11.224**

**Location** – Municipality of Botevgrad, Sofia District, Bulgaria

1. **Reference**

CB007.2.11.224 – LP – Works 1

Ref. No of LOT 1: CB007.2.11.224 – LP – Works 1 – LOT 1

Ref. No of LOT 2: CB007.2.11.224 – LP – Works 1 – LOT 2

Ref. No of LOT 3: CB007.2.11.224 – LP – Works 1 – LOT 3

1. **Procedure**

Simplified

1. **Programme title**

Interreg-IPA CBC Programme Bulgaria-Serbia Programme 2014-2020, CCI 2014TC16I5CB007, adopted by the European Commission with Decision No C(2015) 5444 on 30 July 2015.

1. **Financing**

The project is co-financed by the European Union, in accordance with the rules of Interreg-IPA CBC Programme Bulgaria-Serbia Programme 2014-2020, CCI 2014TC16I5CB007, adopted by the European Commission with Decision No C(2015) 5444 on 30 July 2015.

The project is co-financed by the national budget of the Republic of Bulgaria and with own co-financing of the Serbian beneficiary.

1. **Contracting authority**

**MUNICIPALITY OF BOTEVGRAD**

Address: 13 "Osvobozhdenie" square, Botevgrad, postal code 2140, Republic of Bulgaria

**CONTRACT SPECIFICATIONS**

1. **Nature of contract**

**Lump-sum**

1. **Description of the contract**

**For Lot 1: The 30-meter Clock Tower is the highest in the Balkan Peninsula and it is on the list of 100 national tourist sites, architectural and cultural monument of national significance. The expedition of the Tower aims to socialize it and to bring it from a stationary tourist site to an "Alternative Scene". The construction activities include inside and outside repair and reconstruction. The inside works include change repair of the electrical system, replacement of flooring in the reception area and impregnation of the wooden structure inside, ensuring of secure access inside and access to people with disabilities, providing of conditions for a panoramic view from the highest platform of the tower. Outside activities include renewal of the façade artistic lighting, placing of electrical panels outside, ensuring an access way from the town square to the tower with a small bridge.**

**Lot 2: The Promotion Center will provide both a mechanism and a medium for the communication between the different cultural and information nuclei on the territory of Botevgrad municipality and promotion of the Botevgrad brand in the common European cultural and informational space. The construction activities include clearing of the internal yard of the municipal building, repair as isolation of flooring and walls, construction of wooden flooring from Siberian larch, placing of green walls on façade of the building and executing of electrical systems including exterior lighting.**

**Lot 3:The Open air museum will be realized externally around the existing building of the museum and includes three sectors - permanent, temporary exposition and lecture theatre. The lecture space will be a place for curating contemporary works of art, meetings, presentations of literary works, events, concerts, performances, individual performances, improvised performances. The works activities in the temporary exhibition area include building of new electrical network for power supply of lighting, delivery and mounting of platform benches, information boards, tower-shaped display cases, laying of new pavements in the area and a bicycle stands. The works activities in the permanent exhibition and lectorium include removal of the existing fountain, building of new electrical network, laying of flooring, delivery and mounting of pedestals for the permanent exhibition, led lighting, information boards, children springboard, concrete tables and chairs, bicycle stands and benches, carrying out of landscaping activities.**

1. **Provisional commencement date of the contract**

11.03.2021

1. **Period of implementation of tasks**

The period of implementation of tasks for each lot shall be 3 months (90 days).

For Lot 1 – the period of implementation of tasks starts from the issuing of contract, provision of access to the sites of construction with a protocol for opening a construction site and for determining the construction line and level - Annex № 2 as per Ordinance № 3 of 31 July 2003 on drawing up acts and protocols during the constructionuntil the provisional acceptance - with Statement of findings for establishing the suitability for acceptance of the construction (Annex № 15 as per Ordinance № 3 of 31 July 2003 on drawing up acts and protocols during the construction) without prejudice to extensions of the period which may be granted under Article 35 of the General Conditions, but not later than the end date of project CB007.2.11.224, which is 29.06.2021 or the new deadline for the implementation of the project in case of its extension.

For Lot 2 and Lot 3 – the period of implementation of tasks starts from the issuing of contract, provision of access to the sites of construction with authorization letters and the provision of necessary construction documentation and permissions mentioned in Article 8.1 of this Special conditions until the provisional acceptance with the signing of the last in line certificate of acceptance for establishment of the executed construction works without prejudice to extensions of the period which may be granted under Article 35 of the General Conditions, but not later than the end date of project CB007.2.11.224, which is 29.06.2021 or the new deadline for the implementation of the project in case of its extension.

**TERMS OF PARTICIPATION**

1. **Eligibility and rules of origin**

Participation in this tender procedure is open not only to the invited tenderers.

Participation is open to all natural persons who are nationals of and legal persons participating either individually or in a grouping (consortium) of tenderers which are effectively established in a Member State of the European Union or in a eligible country or territory as defined under the Regulation (EU) No 236/2014 establishing common rules and procedures for the implementation of the Union's instruments for external action (CIR) for the applicable Instrument under which the contract is financed (see also heading 17 below). Participation is also open to international organisations. All goods purchased under the contract must originate from an eligible source country as defined above. However, the goods to be purchased may originate from any country, whenever the total price of the estimated quantity of those goods, as reflected in a separate item of the breakdown of the lump-sum price (Volume 4.2.3) is below EUR 100 000.

For UK candidates or tenderers: Please be aware that following the entry into force of the EU-UK Withdrawal Agreement\* on 1 February 2020 and in particular Articles 127(6), 137 and 138, the references to natural or legal persons residing or established in a Member State of the European Union and to goods originating from an eligible country, as defined under Regulation (EU) No 236/2014\*\* and Annex IV of the ACP-EU Partnership Agreement\*\*\*, are to be understood as including natural or legal persons residing or established in, and to goods originating from, the United Kingdom \*\*\*\*. Those persons and goods are therefore eligible under this call.

\* Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community.

\*\* Regulation (EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action.

\*\*\* Annex IV to the ACP-EU Partnership Agreement, as revised by Decision 1/2014 of the ACP-EU Council of Ministers (OJ L196/40, 3.7.2014)

\*\*\*\* including the Overseas Countries and Territories having special relations with the United Kingdom, as laid down in Part Four and Annex II of the TFEU

1. **Subcontracting**

**Subcontracting is allowed.**

Subcontractors, suppliers and entities upon whose capacity the tenderer relies for the selection criteria, must be eligible in respect of the rules on nationality and origin for the financing programme detailed in Section 10 above.

1. **Grounds for exclusion**

Natural persons, companies or undertakings falling into a situation set out in Section 2.6.10.1.1. (‘exclusion from participation in procurement procedures’) and Section 2.6.10.1.2. (‘rejection from a given procedure’) of the practical guide, are not entitled to participate in this tender procedure or be awarded a contract. Should they do so, their tender will be considered unsuitable or irregular respectively. Tenderers must provide declarations to the effect that they are not in any of the exclusion situations listed in Section 2.6.10.1. of the practical guide. The declarations must cover all the members of a joint venture/consortium. Tenderers guilty of making false declarations may also incur financial penalties up to 10% of the value of the contract and exclusion in accordance with the Financial Regulation in force.

Those exclusion situations apply to all members of a joint venture/consortium, all subcontractors and all suppliers to tenderers, as well as to all entities upon whose capacity the tenderer relies for the selection criteria.

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.

1. **Number of tenders**

Tenderers may submit only one tender for each lot. Tenders for parts of the works of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier for each lot. The tenderer may submit an offer for one, two or all lots.

**SELECTION AND AWARD CRITERIA**

1. **Selection criteria**

### In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria. If a tender is submitted by a consortium, unless specified, the selection criteria will be applied to the consortium as a whole.

The selection criteria for each tenderer are as follows:

***14.a Economic and financial capacity of candidate:***

### ***14.a.1.*** The average annual turnover of the tenderer in the past 3 years for which accounts have been closed depending on the date on which the participant is registered or started activity must be at least: 39 000.00 BGN for Lot 1.

### ***14.a.2*** The average annual turnover of the tenderer in the past 3 years for which accounts have been closed depending on the date on which the participant is registered or started activity must be at least: 89 000.00 BGN for Lot 2.

### ***14.a.3*** The average annual turnover of the tenderer in the past 3 years for which accounts have been closed depending on the date on which the participant is registered or started activity must be at least: 100 000.00 BGN for Lot 3.

### The documents with which the economic and financial capacity of the tenderer under point 14.a.1 and/or 14.a.2 and/or 14.a.3 is proved are financial statements or their extracts for a period equal to or less than the last 3 years for which accounts have been closed, where publication of the balance sheet is required under the company law of the country in which the economic operator is established or a statement of overall turnover during a period of no more than the last three financial years.

If, for any valid reason, the economic operator is unable to provide the references requested by the contracting authority, it may prove its economic and financial capacity by any other document that the contracting authority considers appropriate.

### If a tender(s) for one or for all lots is submitted by a consortium the selection criteria of point 14.a.1 and/or 14.a.2 and/or 14.a.3 for economic and financial capacitywill be applied to the consortium as a whole.

***14.b Technical and professional capacity of candidate:***

### ***For Lot 1: 14.b.1* –** The tenderer must have completed at least 1 construction works contract and/or project of the same nature and complexity as the works **concerned** in Lot 1 of the tender and implemented during the following period: **01.03.2016 –** **01.03.2021** which period is 5 years counting from the submission deadline. The contracting authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the contracts and/or projects concerned.

### Contract/project of the same nature and complexity for Lot 1 is considered a contract and/or project for repairs and/or renovations and/or restoration and/or conservations of immovable cultural heritage or asset.

### The documents with which compliance with the technical and professional capacity under point 14.b.1 is proved are list of the most significant works which must be accompanied by certificates of satisfactory execution, issued by the 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.

### ***For Lot 2: 14.b.2* -** it must have completed at least 1 construction works contract and/or project of the same nature and complexity as the works **concerned** by Lot 2 of the tender and implemented during the following period: **01.03.2016 –** **01.03.2021** which period is 5 years counting from the submission deadline. The contracting authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the contracts and/or projects concerned.

### Contract/project of the same nature and complexity for Lot 2 is considered a contract and/or project for repair and/or renovation and/or reconstruction and/or rehabilitation and/or installation of facilities on open areas for public and private use.

### The documents with which compliance with the technical and professional capacity under point 14.b.2 is proved are list of the most significant works which must be accompanied by certificates of satisfactory execution, issued by the 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.

### ***For Lot 3: 14.b.3* -** it must have completed at least 1 construction works contract and/or project of the same nature and complexity as the works **concerned** by Lot 3 of the tender and implemented during the following period: **01.03.2016 –** **01.03.2021** which period is 5 years counting from the submission deadline. The contracting authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the contracts and/or projects concerned.

### Contract/project of the same nature and complexity for Lot 3 is considered a contract and/or project for repair and/or renovation and/or reconstruction and/or rehabilitation and/or installation of facilities on open areas for public and private use.

### The documents with which compliance with the technical and professional capacity under point 14.b.3 is proved are list of the most significant works which must be accompanied by certificates of satisfactory execution, issued by the 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.

### **For Lot 1:** ***14.c.1*** According to the Bulgarian Chamber of Builders Law entities executing construction in Bulgaria as per the Bulgarian Spatial Planning Law should be registered in the Central Register of Professional Builders. The registration is also obligatory for builders, which are entitled to perform such an activity under the legislation of a Member State of the Union or of another country - party to the Agreement on the European Economic Area or of the Swiss Confederation for registration. At the moment of provision of the tender offer tenderers are not obliged to prove that they meet this requirement. However, the chosen contractor, before signing the contract must provide evidence (via appropriate document and/or extraction from a public register) that it is registered in the Bulgarian Chamber of Builders for the execution of construction as per the Bulgarian Spatial Planning Law and in accordance with the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders. The construction site is IVth /fourth/ category as per art. 137, par. 1, point 4, letter «d» of the Spatial Planning Law (SPL) and it is first group as per art. 5, par. 6, point 1.4.3 of the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders. The Clock Tower of Botevgrad is an immovable cultural heritage of national importance.

### **For Lot 2:** ***14.c.2*** According to the Bulgarian Chamber of Builders Law entities executing construction in Bulgaria as per the Bulgarian Spatial Planning Law should be registered in the Central Register of Professional Builders. The registration is also obligatory for builders, which are entitled to perform such an activity under the legislation of a Member State of the Union or of another country - party to the Agreement on the European Economic Area or of the Swiss Confederation for registration. At the moment of provision of the tender offer tenderers are not obliged to prove that they meet this requirement. However, the chosen contractor, before signing the contract must provide evidence (via appropriate document and/or extraction from a public register) that it is registered in the Bulgarian Chamber of Builders for the execution of construction as per the Bulgarian Spatial Planning Law and in accordance with the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders. The construction activities represent separate type of construction works as per the National Classification of Economic Activity from 2008 (NCEA - 2008), Section F. In accordance to art. 6 of the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders “The builders who perform separate types of construction and installation works, presented in NCEA - 2008, position “Construction” and which are subject to entry in the register according to art. 3, para. 2 Law on Chamber of Builders, is entered in the register in an independent group with a subdivision corresponding to NCEA - 2008.”.

### **For Lot 3:** ***14.c.3*** According to the Bulgarian Chamber of Builders Law entities executing construction in Bulgaria as per the Bulgarian Spatial Planning Law should be registered in the Central Register of Professional Builders. The registration is also obligatory for builders, which are entitled to perform such an activity under the legislation of a Member State of the Union or of another country - party to the Agreement on the European Economic Area or of the Swiss Confederation for registration. At the moment of provision of the tender offer tenderers are not obliged to prove that they meet this requirement. However, the chosen contractor, before signing the contract must provide evidence (via appropriate document and/or extraction from a public register) that it is registered in the Bulgarian Chamber of Builders for the execution of construction as per the Bulgarian Spatial Planning Law and in accordance with the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders. The construction activities represent separate type of construction works as per the National Classification of Economic Activity from 2008 (NCEA - 2008), Section F. In accordance to art. 6 of the Rules and Procedure for Recording and Keeping of the Central Register of Professional Builders “The builders who perform separate types of construction and installation works, presented in NCEA - 2008, position “Construction” and which are subject to entry in the register according to art. 3, para. 2 Law on Chamber of Builders, is entered in the register in an independent group with a subdivision corresponding to NCEA - 2008.”.

### **For Lot 1: *14.d.1*** According to art. 171 of the Bulgarian Spatial Planning Law entities executing construction in Bulgaria should have a professional liability insurance under the ORDINANCE OF THE TERMS AND CONDITIONS OF COMPULSORY INSURANCE IN DESIGN AND CONSTRUCTION from 2004. At the moment of provision of the tender offer tenderers are not obliged to prove that they meet this requirement. However, the chosen contractor, before signing the contract must provide evidence of relevant professional risk indemnity insurance according to the provision of art. 5 of the stated ordinance or equivalent document according to the legislation of a Member State of the Union or of another country - party to the Agreement on the European Economic Area or of the Swiss Confederation, where the contractor is registered or has its operations. The construction site is IVth /fourth/ category as per art. 137, par. 1, point 4, letter «d» of the Spatial Planning Law (SPL).

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.

Financial data to be provided by the tenderer in relation to the selection criteria must be expressed in BGN. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to BGN shall be made in accordance with the InforEuro exchange rate of **JANUARY** **2021,** which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

1. **Award criteria**

The sole award criterion will be the price: the most economically advantageous tender is the technically compliant tender with the lowest price.

**TENDERING**

1. **Ethics clauses**

**The tenderers are subject to the ethics clauses, detailed in Section 2.5.6. of the practical guide.**

1. **Legal basis[[1]](#footnote-1)**

* Regulation(EU) No 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-Accession Assistance (IPA II) – IPA II Regulation;
* Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II) - IPA II Implementing Regulation;
* Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal;
* Commission Delegated Regulation (EU) No 481/2014 of 4 March 2014 supplementing Regulation (EU) No 1299/2013 of the European Parliament and of the Council with regard to specific rules on eligibility of expenditure for cooperation programmes;
* Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012
* Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006;
* Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012;
* Interreg-IPA CBC Programme Bulgaria-Serbia Programme 2014-2020, CCI 2014TC16I5CB007, adopted by the European Commission with Decision No C(2015) 5444 on 30 July 2015.

1. **Appeals**

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further Section 2.12. of the practical guide.

1. **Early detection and exclusion system**

The tenderers and, if they are legal entities, persons who have powers of representation, decision-making or control over them, are informed that, should they be in one of the situations of early detection or exclusion, their personal details (name, given name if natural person, address, legal form and name and given name of the persons with powers of representation, decision-making or control, if legal person) may be registered in the early detection and exclusion system (EDES) and communicated to the persons and entities concerned in relation to the award or the execution of a procurement contract.

1. Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term). [↑](#footnote-ref-1)