

## **WORKS CONTRACT NOTICE**

### **Modernisation of Samsun-Kalın Railway Line**

#### **Location: Europe (non-EU) – Turkey**

Please note that the awarding of the contract is subject to the condition of:

the prior adoption of a financing decision, which does not modify the elements of the procurement procedure (this will be the case, for instance, if the budget initially foreseen is different or if the timeframe, the nature or the condition of the implementation are altered). If the precedent condition is not met, the contracting authority will either abandon the procurement or cancel the award procedure without the candidates or tenderers being entitled to claim any compensation.

**1. Publication reference**

EuropeAid/135676/IH/WKS/TR

**2. Procedure**

Open

**3. Programme title**

Multi-annual operational programme "Transport" for Community assistance from the Instrument of Pre-Accession Assistance (IPA) for the Regional Development component in Turkey

**4. Financing**

IPA budget item 13 05 02 of the General Budget of the EC and National Contribution

**5. Contracting Authority**

T.R. Ministry of Transport, Maritime Affairs and Communications, Directorate General for Foreign Relations and European Union Affairs, Department for European Union Investments, Ankara, Republic of Turkey

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## **CONTRACT SPECIFICATIONS**

**6. Description of the contract**

This contract will comprise of the rehabilitation and reconstruction of the existing 378 Km single track railway infrastructure and ancillary structures with unchanged alignment and optimization of the track layout with installation of a new signalling system on the railway line from Samsun to Kalın.

FIDIC contract conditions for Plant and Design-Build ('Yellow Book'), 1999 Edition will apply to the works contract, the principal scope of which includes:

- rehabilitation of permanent way, including upgrading of the substructure load bearing

capacity, bringing the embankment in compliance with the proposed cross section, improved drainage, replacement of superstructure (rails, sleepers, ballast), rehabilitation of culverts, retaining walls and slope stabilisation,

- reconstruction and/or restoration of bridges,
- rehabilitation of tunnels,
- optimisation of the track layout including installation, extension, re-arrangement or dismantling of selected sidings, tracks and turnouts,
- installation of ETCS (European Train Control System) Level 1 and an electronic signalling system, including installation of new level crossing equipment and telecommunications facilities.

## 7. Number and titles of lots

No, one lot only

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## TERMS OF PARTICIPATION

### 8. 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 or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see item 22 below). All goods supplied under this contract must originate in one or more of these countries. Participation is also open to international organisations. Participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

### 9. Grounds for exclusion

Tenderers must submit a signed declaration, included in the Tender Form for a Works Contract, to the effect that they are not in any of the situations listed in point 2.3.3 of the **Practical Guide**.

### 10. Number of tenders

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

### 11. Tender guarantee

Tenderers must provide a tender guarantee of **5 000 000 (five million) Euros** when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer(s) upon signature of the contract by all parties.

### 12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of 10% (ten percent) 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.

### **13. Information meeting and/or site visit**

A mandatory site visit and clarification meeting will be held by the Contracting Authority on **01 October 2014** at Samsun Railway Station and **03 October 2014**. The details of the site visit will be published on the web-sites of the EuropeAid and the Contracting Authority (op.udhb.gov.tr) within a reasonable time period before the site visit.

### **14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

### **15. Period of implementation of tasks**

The implementation period is 974 days from the Commencement Date followed by a Defects Notification Period of 365 days commencing on the date of the Taking-Over Certificate.

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## **SELECTION AND AWARD CRITERIA**

### **16. Selection criteria**

In order to be eligible for the award of the contract, tenderers must provide evidence that they meet the selection criteria.

The selection criteria for each tenderer are as follows:

#### ***General***

16.1. The tenderer must be a registered firm or natural person legally capable of carrying out the specified works.

#### ***Economic and financial capacity of candidate:***

16.2. The average annual turnover of the tenderer in the past 3 financial years must be at least EUR 150 million (one hundred fifty million Euros),

16.3. The tenderer must have access to sufficient credit and other financial facilities to cover the required cashflow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of EUR 75 million (seventy-five million Euros).

#### ***Technical and professional capacity of candidate:***

16.4. The tenderer must have completed all of the below projects during the following period: 5 years from the submission deadline, **03 November 2009 – 03 November 2014**. The date of Taking Over / Provisional Acceptance will be deemed as completion date. The Contracting Authority reserves the right to ask for copies of certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.

Compliance with each of the following sub-criteria should be demonstrated within the context of one contract; however, one contract may contain more than one of the sub-

criteria. The mentioned requirements may be provided within the scope of one contract or at most three contracts:

- (a) a project including rehabilitation and/or new construction of a minimum 50 km length of highway / railway line (high speed/heavy/light rail systems) infrastructure. In the calculation of the length, the number of tracks/lanes **will not be** multiplied by the distance from start to end point;
- (b) a project including rehabilitation and/or new construction of a minimum 50 km length of railway line superstructure (high speed/heavy/light rail systems). For the purpose of this criterion, the expression “*railway line superstructure*” is defined as rails (including turn-outs) and sleepers and ballast. In the calculation of the length, the number of tracks **will be** multiplied by the distance from start to end point;
- (c) a project including the design and installation of a minimum 50 km length of signalisation system of railway line (rehabilitation or construction) with ERTMS (European Railway Traffic Management System) - ETCS (European Train Control System) level one (1) or two (2). In the calculation of the length, the number of tracks **will not be** multiplied by the distance from start to end point;
- (d) a project including rehabilitation and/or new construction (infrastructure/superstructure/signalisation) of a railway line (high speed/heavy/light rail systems) with a minimum contract value of EUR 50 million (proportion carried out by the candidate).

- 16.5. All key personnel to be mobilized for this project must have appropriate experience and qualifications relevant to their position during the construction.

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.

In the case of a tender submitted by a joint venture/consortium, the joint venture/consortium shall meet the following particular qualification criteria;

- The joint venture/consortium (all members) must be a registered firm or natural person legally capable of carrying out the specified works;
- The joint venture/consortium as a whole (all members together) must satisfy the above mentioned selection criteria;

- The leading member shall meet not less than 50% of the turnover and financial resources criteria specified in 16.2 and 16.3 above and 50% of technical and professional capacity criteria of the 16.4(d).
- 16.6. Tenders submitted by companies in partnerships forming a joint venture/consortium must also fulfil the following requirements:
- (a) The tender must include all the information required for each member of the joint venture/consortium and summary data for execution of works by the tenderer.
  - (b) The tender must be signed in a way that legally binds all members. One member must be appointed lead member and that appointment confirmed by submission of powers of attorney signed by legally empowered signatories representing all members.
  - (c) All members of the joint venture/consortium are bound to remain in the joint venture/consortium for the whole execution period of the contract. See the declaration in the tender form.

## 17. Award criteria

Price

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## TENDERING

### 18. How to obtain the tender dossier

The tender dossier is available from **Department for European Union Investments, Directorate General for Foreign Relations and European Union Affairs, Ministry of Transport, Maritime Affairs & Communications, Hakkı Turaylıç Cad. No. 5, B Blok K: 10 06520 Emek – Ankara, Turkey** upon payment of **EUR 750 (seven hundred and fifty Euro)**, which excludes courier delivery.

The tender dossier is also available at the following web sites;

The Contracting Authority website at <http://op.udhb.gov.tr/> or EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> without drawings.

Interested tenderers, upon registering their company information and power of attorney of the person who receives the tender dossier and submitting a copy of the receipt for the payment of EUR 750 to the below-mentioned bank account, can receive the tender dossier including drawings, in electronic format (CD, USB memory stick or similar) from the Contracting Authority.

Bank Account for the payment for the Tender Dossier:

**Türkiye Halk Bankası A.Ş.**  
**Necatibey Şubesi Ankara- TURKEY**  
**IBAN No: TR92 0001 2009 3860 0058 0001 93**  
**Explanatory Note: ‘Samsun-Kalın ihale dosyası bedeli’**

The Contracting Authority will send the tender dossier by courier if a company located outside Ankara wants to receive it and declares its interest in written form to the Contracting Authority, by considering enough time and also recommending the appropriate courier service for its specific geographical location. The Contracting Authority does not accept any responsibility for late delivery of the tender dossier by the courier service. Payment for the courier service will be done by the recipient. The payment for the tender dossier (EUR 750) will be provided to the bank account and the receipt for that amount will be submitted in the tenders as usual procedure for all interested companies.

The tender dossier is also available for inspection at the premises of the Contracting Authority, address as in point 5 above. 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 **euid@udhb.gov.tr** and

Department for European Union Investments  
Directorate General for Foreign Relations and European Union Affairs  
Ministry of Transport, Maritime Affairs & Communications,  
Hakkı Turaylıç Cad. No. 5, B Blok Kat: 10  
06520 Emek – Ankara, TURKEY

(mentioning the publication reference shown in item 1) at least 21 days before the deadline for submission of tenders given in item 19. The Contracting Authority 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 EuropeAid website at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome> and at the Contracting Authority website <http://op.udhb.gov.tr/>.

#### **19. Deadline for submission of tenders**

10:30 (local time) on **03 November 2014** (opening hours: 09:00 to 16:00).

Any tender received by the Contracting Authority after this deadline will not be considered.

#### **20. Tender opening session**

At 11:00 (local time) on **03 November 2014** at the Contracting Authority's premises.

T.R. Ministry of Transport, Maritime Affairs and Communications, Directorate General for Foreign Relations and European Union Affairs, Department for European Union Investments

Hakkı Turaylıç Cad. No. 5, B Blok Kat: 10, 06520 Emek – Ankara, TURKEY

#### **21. Language of the procedure**

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

#### **22. Legal basis**

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-

Accession Assistance (IPA).