

## **SERVICE CONTRACT NOTICE**

### **Supervision of Modernisation of Samsun-Kalın Railway Line 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/135677/IH/SER/TR

**2. Procedure**

Restricted

**3. Programme title**

IPA-Instrument for Pre-accession Assistance

**4. Financing**

IPA budget item 13 05 02 of the general budget of the EU and national contribution

**5. Contracting Authority**

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

---

## **CONTRACT SPECIFICATION**

**6. Nature of contract**

Fee-based

**7. Contract description**

The provision of supervision services for the “Modernisation of Samsun-Kalın Railway Line” to be contracted under the terms of FIDIC Contract Conditions for Plant and Design-Build (Yellow Book), 1999.

The services to be provided will include, but not necessarily be limited to:

- Design review

- Supervision services in full compliance with the terms and conditions of the contract documents
- Consultancy services to the Contracting Authority regarding contract/claims management
- Supervision and approval of all the tasks during Taking Over / Final Acceptance procedures
- Provision of technical assistance and consultancy to the Contracting Authority and End Recipient to ensure proper implementation of the works

**8. Number and titles of lots**

one lot only

**9. Maximum budget**

EUR 10,000,000

**10. Scope for additional services**

The Contracting Authority may, at its own discretion, extend the project in duration and/or scope subject to the availability of funding up to a maximum not exceeding the length and value of the initial contract . Any extension of the contract would be subject to satisfactory performance by the Contractor.

## **CONDITIONS OF PARTICIPATION**

**11. Eligibility**

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.

**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. In particular, if that ineligible person belongs to a consortium, the whole consortium will be excluded.

**13. Number of applications**

No more than one application can be submitted by a natural or legal person whatever the form of participation (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 one application, all applications in which that person has participated will be excluded.

#### **14. Shortlist alliances prohibited**

Any tenders received from tenderers comprising firms other than those mentioned in the short-listed application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see Practical Guide – PRAG- 2.4.3.). Short-listed candidates may not form alliances or subcontract to each other for the contract in question.

#### **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 listed in Section 2.3.3 of the PRAG

#### **16. Sub-contracting**

Subcontracting is allowed

#### **17. Number of candidates to be short-listed**

On the basis of the applications received, between 4 and 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**

October 2014

#### **19. Provisional commencement date of the contract**

April 2015

#### **20. Initial period of implementation of tasks**

Duration in months: 46.

---

### **SELECTION AND AWARD CRITERIA**

#### **21. Selection criteria**

Same criteria for legal and natural person

The following selection criteria will be applied to candidates. In the case of applications submitted by a consortium, these selection criteria will be applied to the consortium as a whole:

- 1) **Economic and financial capacity of candidate** (based on item 3 of the application form). In case of candidate being a public body, equivalent information should be provided.
  - the average annual turnover of the candidate must exceed EUR 3,750,000 for the last three financial years;
- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form)
  - at least 30 staff currently work for the candidate in fields related to this contract;
- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form)
  - 1) The candidate has completed construction supervision services under at least one contract with a budget of at least EUR 3,500,000 (proportion carried out by the candidate) for Railway Works (e.g. railway, subway, metro, light rail) which was implemented at any moment during the following period: 3 years from the submission deadline. This means that the project the candidate refers to could have been started or completed at any time during the indicated period but do not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still on-going only the portion satisfactorily completed (i.e. Taking Over/Provisional Acceptance Certificate for a lot or parts/sections of the supervised Works completed) during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.
  - 2) The candidate has completed construction supervision services (as Engineer) under at least one contract for any kind of construction Works which is implemented with FIDIC Conditions of Contract (Conditions of Contract similar/equivalent to FIDIC will not be accepted) which was implemented at any moment during the following period: 3 years from the submission deadline. This means that the project the candidate refers to could have been started or completed at any time during the indicated period but do not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still on-going only the portion satisfactorily completed (i.e. Taking Over/Provisional Acceptance Certificate for a lot or parts/sections of the supervised Works completed) during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.
  - 3) The candidate shall have completed detailed design and/or review of detailed design of a railway project covering at least 3 of the following railway fields : civil works, track works, signalling and telecommunications engineering, which was implemented at any moment during the following period: 3 years from the submission deadline. This means that the project the candidate refers to could have been started or completed at any time during the indicated period but do not necessarily have to be started and completed during that period, nor implemented during the entire period. Candidates/tenderers are allowed to refer either to projects completed within the reference period (although started earlier) or to projects not yet completed. In the first case the project will be considered in

its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of projects still ongoing only the portion satisfactorily completed (i.e. Taking Over/Provisional Acceptance Certificate for a lot or parts/sections of the supervised Works completed) during the reference period will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to projects completed) also detailing its value.

If a candidate/tenderer has implemented the projects in a consortium, the percentage that the candidate/tenderer has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used.

Previous experience which caused breach of contract and termination by a Contracting Authority shall not be used as reference.

An economic operator may, where appropriate and for a particular contract, rely on the capacities of other entities, regardless of the legal nature of the links which it has with them. It must in that case prove to the Contracting Authority that it will have at its disposal the resources necessary for performance of the contract, for example by producing an undertaking on the part of those entities to place those 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

- a) the highest number of projects satisfying the technical capacity criterion in 21.3.1;
- b) in case there are two or more candidates having the same number of eligible contracts, the following criterion will be applied only to those candidates having equal number of contracts: the highest value of the projects (proportion carried out by candidate) fulfilling the technical capacity criterion in 21.3.1.

## **22. Award criteria**

Best value for money.

---

# **APPLICATION**

## **23. Deadline for receipt of applications**

02.09.2014 (12:00), local time.

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

## **24. Application format and details to be provided**

Applications must be submitted using the standard application form , the format and instructions of which must be strictly observed. The application form is available from the following Internet address: <http://ec.europa.eu/europeaid/prag/annexes.do?group=B>

Any additional documentation (brochure, letter, etc) sent with an application will not be taken

into consideration.

## **25. How applications may be submitted**

Applications must be submitted in English exclusively to the Contracting Authority in a sealed envelope:

- EITHER by recorded delivery (official postal service) to :

For the attention of: Mr. Talat AYDIN (Head of Operating Structure)  
Ministry of Transport, Maritime Affairs and Communications,  
DG for Foreign Relations and EU Affairs,  
Department for EU Investments  
Hakkı Turaylıç Cad. No:5 B Block 10<sup>th</sup> Floor, Emek Çankaya/ANKARA

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

For the attention of: Mr. Talat AYDIN (Head of Operating Structure)  
Ministry of Transport, Maritime Affairs and Communications,  
DG for Foreign Relations and EU Affairs,  
Department for EU Investments  
Hakkı Turaylıç Cad. No:5 B Block 10th Floor, Emek Çankaya/ANKARA  
Telephone: +90 (312) 203 1401

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 application may be altered after this deadline.

Any such notification of alteration or withdrawal shall be prepared and submitted in accordance with Item 25. 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: English.

## **28. Date of publication of prior information notice**

**25.03.2014**

## **29. Legal basis<sup>1</sup>**

Council Regulation (EC) No 1085/2006 of 17.7.2006 establishing an Instrument for Pre-Accession Assistance (IPA) (OJ L 210, 31.7.2006, p.82).

---

<sup>1</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).

### **30. Additional information**

- Opening hours of the Contracting Authority: 09:00-16:00
- The signature of this contract is subject to successful completion of the related works tender.