

**Section 2 - PREQUALIFICATION DATA SHEET
PLAVA VODA REGIONAL WATER SUPPLY PROJECT
CONSTRUCTION OF REGIONAL WATER SUPPLY SYSTEM,
SPRING PROTECTION AND LANDSCAPING OF TOURISTC ZONE**

1. Scope of Prequalification

1.1 The Client is: JP RV "Plava voda" d.o.o. Travnik

The title of the Prequalification process is: Bosnia and Herzegovina, Construction of Regional Water Supply System, Spring Protection and Landscaping of Touristic Zone

The identification number of the Prequalification process is: 46201

The number of contracts/lots and titles of contracts, for which the Prequalification Documents are issued: 8821186 , Construction of Regional Water Supply System, Spring Protection and Landscaping of Touristic Zone

1.4 The tendering schedule is as follows:

Invitation for Prequalification:	<i>as per the ECEPP notice</i>
Submission of Applications:	<i>as per the ECEPP notice</i>
Results of Prequalification:	November, 2019
Invitation to 1st stage Tender:	December, 2019
Invitation to 2nd Stage Tender	March, 2020
Contract Award:	June, 2020

1.5 The tender documents will be based on the Bank's Standard Tender Documents for the procurement of works through Multi-stage open tendering.

1.6 The contract will be modelled upon FIDIC (Yellow Book) Conditions of Contract for Plant and Design-Build; for Electrical and Mechanical Plant, and for Building and Engineering Work, First Edition 1999.

2. Source of Funds

2.1 The Borrower is: Bosnia and Herzegovina

The Project is: "Plava voda Regional water supply project"

6. Prequalification Document

6.3 This Prequalification process will be conducted using the EBRD Client E-procurement portal (hereinafter referred to as "ECEPP") and subject to its conditions of use. Applicants must be registered in ECEPP in order to participate in this Prequalification process.

Only those Applicants who are registered and who have expressed an interest in the Prequalification process shall be able to access the Prequalification Document, receive clarifications, addenda and amendments and submit their Applications through ECEPP.

7. Clarification of Prequalification Document

7.1 All communication with the Client in respect of the Prequalification process, including requests for clarifications and responses, shall be submitted through the ECEPP Message Centre relevant to this Prequalification Exercise.

Requests for clarification shall be received by the Client no later than 14 days prior to the deadline for submission of applications.

7.4 A clarification meeting will not take place.

A site visit conducted by the Client will not take place.

7.5 The Applicant is required to submit any questions using the ECEPP Message Centre relevant to this Prequalification Exercise, to reach the Client not later than one week before the meeting.

7.6 Minutes of the clarification meeting will be communicated through ECEPP to all Applicants, who have obtained the Prequalification Document in accordance with ITA 6.3.

8. Amendment of Prequalification Document

8.2 Addenda and amendments will be communicated through ECEPP to all Applicants, who have obtained the Prequalification Document in accordance with ITA 6.3.

10. Language of Prequalification

10.1 The language of the Prequalification is: English. Application and Supporting documentation shall be submitted in English and Bosnian/Croatian/Serbian languages.

11. Documents Comprising the Application

11.1 The application shall include the following additional documents:

- a) Completed Application forms, furnished in Section III, Prequalification Forms:
 - i. Letter of Application
 - ii. The Applicant's legal status;
 - iii. Its principal place of business;
 - iv. Its place of incorporation (for Applicants which are corporations); or its place of registration (for applicants which are partnerships or individually owned firms);
 - v. Articles of Incorporation or Documents of Constitution;
 - vi. Registration Documents of the legal entity;
 - vii. In case of a Government owned entity, documents establishing legal and financial autonomy and compliance with commercial law;
 - viii. In case of JV, letter of intent to form JV together with proposed JV agreement or full JV agreement;
 - ix. Power of Attorney of authorized representative;

- x. Applicant's Quality Assurance Policy, including certificates for any recognized accreditation;
- xi. General Experience Form
- xii. Specific Experience Form including Certificates of completion signed by relevant contracting authorities for all projects presented;
- xiii. Information Request Form
- xiv. Personnel Capabilities Form
- xv. Candidate Summary Form
- xvi. Equipment Availability/Capacity Form
- xvii. Manufacturing Capacity Form
- xviii. Financial Position Form supported with relevant Financial statements (balance sheets, including all related notes, and income statements);
- xix. Applicant's certified accountant's audit report or opinion on the balance sheets and/or financial statements;
- xx. Bank Information Request Form. The authorisation allowing the Client to request verification from the applicant's bank(s);
- xxi. Non-Performance History Form
- xxii. Debarment Declaration Form. Information on debarment resulting from contracts completed or under execution by the applicant over the last 5 years
- xxiii. Current Commitments and Pending Awards Form
- xxiv. Subcontractors Form. The list of planned subcontractors/manufacturers/vendors;
- xxv. Subcontractors Information Form Specific Experience
- xxvi. Information Request Consent
- xxvii. JVCA Form

All documents shall be uploaded to ECEPP as part of the Application. Where required, documents shall be signed, scanned and uploaded.

12. Letter of Application

12.1 The Applicant shall complete the Letter of Application as specified in ECEPP.

The Applicant shall upload a scanned copy of its Letter of Application as part of its electronic application submission, duly completed in the manner and detail indicated therein and signed by the legally authorised signatory. The uploaded Letter of Application shall be on the letterhead of the Applicant.

13. Documents Establishing Qualifications of Applicants

13.2 Applicants shall also provide the following additional information:

- (i) licences (permissions) for the following activities:
 - Construction works: The Applicants shall provide a statement confirming that they either possess, or will obtain promptly in the event that they are awarded the contract, License – Authorization for performing construction works on the territory of Federation Bosnia and Herzegovina and Authorization for performing site investigations for him or his subcontractor. This Authorization is issued by the Federal Ministry of Physical Planning and is in accordance with law in Federation of Bosnia and Herzegovina (Article 38. of Decree on construction site organization, mandatory construction documents and construction actors; "Official

Gazette of the Federation of Bosnia and Herzegovina” No. 48/09, 16th July, 2009).

- Design services: Pursuant to the Decree on construction site establishment, mandatory site documents and parties involved in construction (Official Gazette of the Federation of B&H, No. 48/09 and 75/09), designing may only be undertaken by legal entities registered to perform such services and licenced by the FB&H Ministry of Physical Planning. Hence, the successful consultant must obtain the above license before contract signing. At this stage, the Applicant shall provide a statement confirming that he either possess, or shall obtain promptly in the event that they are awarded the contract.

Technical documents must be validated in the event that they were prepared outside the country or by a Designer who is based outside Bosnia and Herzegovina and who has obtained the designing licence provided by the FB&H Ministry of Spatial Planning. Document validation shall be carried out by a legal entity registered in the territory of Bosnia and Herzegovina and licenced by the Ministry to validate international technical documents.

- (ii) annual financial statements for the last 4 years supported by audit statements or tax returns/acceptance by the tax authorities;
- (iii) complete information on any current and past litigation and/or arbitration (with an indication of the matters in dispute, the parties involved, the amounts in dispute and the outcome, where available) resulting from contracts completed or under execution by the applicant over the last 4 years;
- (iv) complete information on any termination of contracts (with an indication of the causes of the termination and the parties involved) completed or under execution by the applicant over the last 4 years;

All documents shall be scanned and uploaded to ECEPP as part of the Application.

Applicants shall not be permitted to claim the experience and capability of their parent companies for the purposes of meeting the minimum qualification requirements.

The Client shall consider the experience and qualification of applicants only on their own merits.

14. Format and Signing of Applications

- 14.1 **Applications shall be submitted electronically using ECEPP only.** No paper copies shall be submitted.

The Applicants shall complete the Letter of Application, Prequalification Forms (as furnished in Section III), and other forms required for the Application in ECEPP, and attach or upload documentary evidence and supporting documents as set out in the requirements for contents of Applications in the Prequalification process.

- 14.2 The Application shall be signed by a person duly authorised to sign on behalf of the Applicant. The written confirmation of authorisation to sign on behalf of the Applicant shall comply with the following requirements:

- (a) The Applicant shall upload a scanned copy of its Power of Attorney as part of its electronic application submission, indicating that the person(s) signing the

Application have the authority to sign the Application and thus that the Application is binding upon the Applicant.

The uploaded Power of Attorney shall be on the letterhead of the Applicant, or other authorised issuing body, clearly showing the complete name and address of the Applicant, or other authorised issuing body. It shall be signed by legally authorised signatory.

- (b) In the case of Application submitted by a JVCA the Applicant shall upload a scanned copy of its Power of Attorney (i) stating the names and addresses of all JVCA partners, (ii) signed by all JVCA partners, (iii) indicating that the person(s) signing the Application have the authority to sign the Application on behalf of the JVCA, and thus that the Application is binding upon all the JVCA partners.
- (c) The prequalified and conditionally prequalified Applicants may be requested to submit the original of the Power of Attorney to the Client. Failure to furnish original of the Power of Attorney within 14 calendar days from such a request may result in rejection of the Application.

- 14.3 The JVCA shall nominate a Representative who shall have the authority to conduct all businesses for and on behalf of any and all the partners of the JVCA during the Prequalification process. The uploaded letter of authorisation shall clearly show the complete name and address of the Representative and shall be signed by those legally authorised to sign on behalf of the JVCA.

15. Submission, Sealing and Marking of Application

Applicants shall submit their Applications electronically using ECEPP and subject to the terms and conditions of use of ECEPP as well as to the terms and conditions of the Prequalification document. **Notwithstanding the provisions of ITA 15.1, no paper copies shall be submitted or will be considered.**

For the purposes of application submission, scanned copies of the relevant forms and documents shall form the Application. All forms and supporting documents shall be scanned and uploaded to ECEPP as part of the Application (submitted through ECEPP).

Note: Applications shall be submitted electronically using ECEPP only. No paper copies shall be submitted. However, as indicated in ITA 13.2 and 14.2, the prequalified or conditionally prequalified Applicant may be requested by the Client to submit the originals of Parent company guarantee and/or Power of Attorney. Failure to furnish the originals within 14 calendar days from such a request may result in rejection of the Application.

16. Withdrawal, Substitution, and Modification of Applications

- 16.1 An Applicant may withdraw, substitute, or modify its Application after it has been submitted by using relevant functions of ECEPP, provided this action is completed prior to the deadline for submission of Applications in accordance with ITA 17.
- 16.2 Applications that are withdrawn as per ITA 16.1 shall be shown in ECEPP as 'withdrawn', but the Applications may not be accessed by the Client and will not be included into the record of Application opening.

17. Deadline for Submission of Applications

- 17.1 Applicants shall submit their Applications electronically through ECEPP no later than the deadline for submission of Applications at the time and date stated in ECEPP.

18. Late Applications

- 18.1 ECEPP will not allow the submission of any Application after the deadline for submission of Applications, so late applications are not possible, and Applicants are encouraged to submit their Applications through ECEPP in good time. The Client and the Bank bear no responsibility for the failure of the Applicant to submit its Application on time.

19. Application Opening

The Application Opening occurs automatically in ECEPP. There is no public opening.

ECEPP produces a set of minutes and distributes them automatically to participants who submitted a response pursuant to ITA 17. The Minutes will show: the name and address of the Applicant and any JVCA partners, if submitted as a JVCA.

20. Confidentiality

- 20.3 If an Applicant wishes to contact the Client on any matter related to the prequalification process, it should do so through the relevant ECEPP message centre.

21. Clarification of Applications

- 21.1 The Client's request for clarification and the response shall be made through the relevant ECEPP message centre only.

22. Evaluation of Applications

- 22.1 To be prequalified for tendering for the Contract, the applicant must demonstrate to the Client that it substantially satisfies the requirements regarding experience, personnel, equipment, financial position and litigation history, specified below:

1. General Experience

The applicant shall have an average annual turnover (defined as annual earnings, expressed in its equivalent of a defined currency) as a contractor and designer over the **last 5 (five) years** (2018, 2017, 2016, 2015, 2014) **of EUR 12,300,000 equivalent**.

The turnover value in other currencies than the defined currency should be recalculated into that currency based on the exchange rate as of the 1st of July of each year reported, as set by Central Bank of Bosnia and Herzegovina.

1.1. Specific Experience

The applicant shall meet the following minimum criteria:

- (a) Successful experience as prime contractor (prime contractor, lead partner or partner in joint venture or consortium, or subcontractor) in the execution of at least **two (2) projects** of a nature and complexity comparable to the proposed contract within the **last five (5) years**. For assessment purposes the values of each of referred contracts shall be not less than the equivalent of **Euro 10 million**. At least **one** of proposed projects must be executed in accordance with FIDIC Conditions of Contract for Plant and Design-Build (Yellow Book).

In case that the applicant was in a role of subcontractor than the value of the subcontract is not less than the equivalent of **Euro 10 million** within the **last five (5) years**. In addition, in case of the multiple sub(contracts) on the same Project, the different (sub)contracts will be treated cumulatively as a whole and there should be of a nature and complexity comparable to the proposed contract.

At least one of required two (2) project within the last five (5) years must include construction of water networks as follows:

- designing and works on main transmission line for the water supply system, reservoirs for the water supply system, water intake and chlorination station for the water supply system and pump station for the water supply system with a more than 25 km length of water supply system.

1.2 Design Experience

The applicant shall include in his Tender a designer who shall meet the following minimum criteria:

- (a) the applicant shall have an average annual turnover (defined as annual earnings, expressed in its equivalent of a defined currency) as a designer over the last **3 (three) years** (2018, 2017 and 2016) of not less than **Euro 250,000** equivalent.
- (b) successful experience as a designer (prime contractor, lead partner or partner in joint venture) with the satisfactory execution and Client's approval of at least two (2) projects of a nature and complexity comparable to the proposed contract.

For assessment purposes, the referred contracts shall include design of full water supply system with a minimum length of 25 km length including at least one pump station and reservoir.

At least **one contract/project** has to include design of water intake, chlorination station and landscape.

The applicant shall demonstrate that it has suitably qualified and experience water supply and land-scape design staff, knowledgeable of the standards described within the Prequalification Document.

The applicant may satisfy these criteria for designer himself or provide a subcontractor.

In case that the Tenderer claims the experience in execution of the above stated elements of the construction works (key activities) from the completed projects, certificates of completion signed by relevant contracting authorities from which it is possible to make an insight in the execution of key activities shall be submitted.

In case that the Tenderer claims the experience in execution of the above stated elements of the construction works (key activities) from ongoing projects, written statements in original prepared by each contracting authority from which it is possible to made an insight in the execution of key activities shall be submitted.

The Employer shall consider the experience and qualification of the Tenderers only on their sole merits.

2. Personnel Capabilities

The applicant shall provide suitably qualified personnel to fill the positions listed below. For each position applicants shall supply information in the relevant form (Prequalification Forms) on a main candidate and an alternate, each of whom should meet the experience requirements specified below:

No.	Position	Total work experience (years)	In similar works (years)
1.	Project Manager / Team Leader	15	10
2.	Chief Design Manager	10	8
3.	Quality Assurance Manager	10	8
4.	Survey engineer – graduated civil engineer of geodesy	8	5
5.	Construction engineer - graduated civil engineer of construction	8	5
6.	Graduated hydraulic civil engineer	5	3
7.	Environmental and Health Safety (EHS) Representative shall be nominated with responsibility for the implementation of the Environmental and Social Action Plan (ESAP)	5	3
8.	Mechanical engineer- with Design, Supervision and Operation and Maintenance Manuals water supply experience	5	3
9.	Electrical engineer- with Operation and Maintenance Manuals water supply experience	5	3
10.	Architect- with experience in designing of the landscaping of touristic zone	5	3
12.	Geotechnical Engineer	8	5
14.	Structural Engineer with experience in design and supervision of water and wastewater infrastructures	8	5

3. Equipment Availability

The applicant shall own, or have assured access to (through hire, lease, purchase agreement, availability of manufacturing equipment, or other means), the following key items of equipment in full working order, and must demonstrate that they will be available for use in the Contract.

The applicant may also list alternative equipment which he would propose to use for the Contract, together with an explanation of the proposal.

No.	Equipment Type and Characteristics	Minimum Number required (units/sets)
1.	Excavator with turn over 15 t	5
2.	Excavator with turn over 10 t	3
3.	Rubber tired excavator	4
4.	Bulldozer 20t	2
5.	Excavator (Combined machine)	10
6.	Trucks of min. 12 m ³ volume	15
7.	Mobile crane 10t	2
8.	Concrete auto pump ¹	1
9.	Concrete auto mixer ¹	2
10.	Machine for horizontal direction drilling with radio control, minimal pulling force 25 t	1
11.	Perforator for horizontal direction drilling with optical control (Bore diameter up to Ø 900 mm)	1
12.	Traffic signalization equipment	2
13.	Vibratory roller or sensitive devices for compacting soil and trenches	4
14.	Mobile power generator	2

4. Financial position

The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow for the contract for a period of 4 months, estimated as not less than Euro 4.0 million equivalent, taking into account the applicant's commitments in other contracts.

The submitted annual financial statements for the last 5 (five) years must demonstrate the soundness of the applicant's financial position, showing long term

¹ Subcontractor's equipment

profitability. Consistent losses or a risk of insolvency shown in the accounts may be cause for the disqualification of the applicant.

To facilitate the assessment of information the applicants shall submit a summary of assets and liabilities, expressed in an equivalent of Euro converted based on the exchange rate reported as of the 1st of July of each year, as set by Central Bank of B&H.

Based upon known commitments, the applicants shall also provide a summary of the projected assets and liabilities for the next 2 years, expressed in its equivalent of Euro converted based on the exchange rate as of the date of publication of the Invitation for Prequalification, as set by Central Bank of B&H, unless the withholding of such information is justified by the Applicant to the satisfaction of the Client. The audited balance sheets for the last 5 years shall be submitted and must demonstrate the soundness of the Applicant's financial position, showing long-term profitability. Where necessary, the Employer will make inquiries with the Tenderer's bankers.

Where necessary, the Client may make inquiries with the applicant's banks.

5. *Non-performance History*

A consistent history of litigation and/or arbitration awards against the applicant or any partner of a joint venture or their non-performance under the contracts may result in failure of the application.

Moreover, if an applicant is formally debarred from contracting activities by the law or official regulation of the Client's country or by the Bank, and the Client may not enter into a contract with such applicant, the Client may reject the application.

6. *Current Obligations and Pending Awards*

The applicant shall have the above mentioned resources free of ongoing obligations and/or pending contract awards.

The applicant shall provide information on the on-going contractual obligations and pending contract awards.

The Client may reject the application if the level of the confirmed commitments to be carried out in parallel with the Contract exceeds the applicant's and every JV member's annual turnover for the previous year by a factor of 2,0.

7. *Specific Requirements with regard to JVCA*

JVCA must satisfy the following minimum qualification requirements:

- a. The JVCA must satisfy collectively all the above mentioned qualification criteria, for which purpose the relevant figures for each of the partners shall be added to arrive at the joint venture's total capacity.
- b. The lead partner shall meet not less than **60% percent** of all the qualifying criteria for Average Annual Turnover, Financial Resources as specified above, which means:
 1. The applicant shall have an average annual turnover as a contractor (defined as annual earnings, expressed in its equivalent of a defined

currency) over the last 5 (five) years (2018, 2017, 2016, 2015, 2014) of not less than Euro 12 million equivalent where at least Euro 7.20 million in water supply networks works.

2. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow for the contract for a period of 4 months, estimated as not less than **Euro five (5) million** equivalent, taking into account the applicant's commitments in other contracts.
- c. The other partners shall meet not less than **40% percent** of all the qualifying criteria for Average Annual Turnover and Financial Resources as specified above which means:
1. The applicant shall have an average annual turnover as a contractor (defined as annual earnings, expressed in its equivalent of a defined currency) over the **last 5 (five) years** (2018, 2017, 2016, 2015, 2014) of not less than **Euro 4.8 million** equivalent where at least Euro 4 million in water supply networks works.
 2. The applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means sufficient to meet the construction cash flow for the contract for a period of 4 months, estimated as not less than Euro 2.0 million equivalent, taking into account the applicant's commitments in other contracts.

The prequalification of a JVCA does not mean that any of its partners individually, or as a partner in any other JVCA, are prequalified.

An applicant shall be prequalified unconditionally, if he meets all the qualification criteria, stated above.

An applicant may be prequalified conditionally, if he fails to meet some of the following criteria:

- (a) composition of JVCA and/or JVCA agreement content;
- (b) critical project management;
- (c) availability of experts in specialised fields;
- (d) access to specialised equipment;
- (e) engagement of specialised subcontractors/suppliers; or
- (f) bank reference(s) or a bank commitment to provide securities and/or line of credit in the event the applicant's tender is successful.

The applicant may also be requested to provide additional critical information, or clarification with regard to the applicant's questionable ability to undertake the proposed works due to the significant current commitments or the pending award of other significant contracts.

In case of conditional prequalification, the applicant shall be prequalified, subject to certain requirements, specified by the Client, being met by him prior to issuance of an invitation to tender.

- 22.6 In case, where the applicants plan to use specific manufacturers and/or subcontractors for major and/or specialized items or works, the applicants shall specify the names and qualifications of such specialist subcontractors.

These works are those in excess of **10 percent** of the estimated value of the works/supply and/or any of the specific operations and works, listed in the last paragraph of PDS 22.1.2, Specific Experience, above.

To be prequalified for tendering for the Contract, the applicants must demonstrate to the Client that the manufacturers and subcontractors proposed by them for the above mentioned works substantially satisfy the requirements regarding specific experience:

The applicant's subcontractors shall meet the following minimum criteria:

(a) successful experience as a contractor (prime or subcontractor) in the execution of at least 2 contracts of a magnitude comparable to the works proposed for subcontracting within the last 5 years; and

(b) successful experience as a contractor (prime or subcontractor) in the execution of at least 2 contracts of a nature and complexity comparable to the works proposed for subcontracting within the last 5 years.

Should a subcontractor be determined to be unqualified or otherwise unacceptable, the application shall not be rejected, but the applicant shall be required to substitute an acceptable subcontractor.

24. Notification of Outcome of Prequalification

- 24.1 The Client shall notify all Applicants about the outcome of Prequalification using ECEPP.

- 24.8 After receiving notification of the outcome of Prequalification, unsuccessful Applicants may submit through ECEPP a request to the Client for a debriefing seeking explanations on the grounds upon which their Application was rejected. The Client shall promptly respond through ECEPP to and arrange debriefing of any unsuccessful Applicant who, after publication of the outcome of Prequalification, requests a debriefing.

25. Invitation to Tender

- 25.1 An invitation to tender for the Contract will be issued to the prequalified Applicants **ONLY** through ECEPP.

26 Parent Company Guarantee

- 26.1 Applicants **shall not be permitted** to claim the experience and capability of their parent companies for the purposes of meeting the minimum qualification requirements.