

## SUPPLY CONTRACT NOTICE

### Supply of water work construction machinery for the Lower Danube Valley Water Directorate (ADUVIZIG), Hungary

#### Location – Baja, Bács-Kiskun County, Hungary

**1. Publication reference**

HUSRB/1601/11/0001/LB/SUP0719

**2. Procedure**

Open

**3. Programme title**

Interreg-IPA CBC Hungary-Serbia Programme: HUSRB/1601/11/0001 BABECA - *The complex water management development of the area of the Baja-Bezdan Canal*

**4. Financing**

IPA II, HUSRB/1601/11/0001

**5. Contracting authority**

Lower Danube Valley Water Directorate (ADUVIZIG)  
H-6500 Baja,  
Széchenyi I. Str. 2/c.  
Hungary

Clarifications may be sought from the contracting authority at the following email address [drladanyi@mkb.t.eu](mailto:drladanyi@mkb.t.eu), at the latest 21 days before the deadline for submission of applications stated at the point 19 below.

Clarifications will be published on the TED website at the latest 5 days before the deadline.

## CONTRACT SPECIFICATIONS

**6. Description of the contract**

Supply of the following water work construction and maintenance machinery for the Lower Danube Valley Water Directorate (ADUVIZIG), Hungary:

- mobile excavator 1pc
- telescopic loader 1pc

**7. Number and titles of lots**

2 lots

Lot n° 1: mobile excavator  
Lot n° 2: telescopic loader

## **TERMS OF PARTICIPATION**

### **8. Eligibility and rules of origin**

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) N°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 22 below). Participation is also open to international organisations.

All supplies under this contract must originate in one or more of these countries.

Please be aware that after the United Kingdom's withdrawal from the EU, the rules of access to EU procurement procedures of economic operators established in third countries and of goods originating from third countries will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom depending on the outcome of negotiations. In case such access is not provided by legal provisions in force at the time of the contract award, candidates or tenderers from the United Kingdom, and candidates or tenderers proposing goods originating from the United Kingdom could be rejected from the procurement procedure.

### **9. Grounds for exclusion**

Tenderers must submit a signed declaration, included in the Tender Form for a Supply Contract, to the effect that they are not in any of the situations listed in Section 2.6.10.1 of the Practical Guide.

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.

### **10. Number of tenders**

The candidates may submit an application for one lot only, several lots or all of the lots, but only one application may be submitted per lot. Tenders for parts of a lot will not be considered. Tenderers may not submit a tender for a variant solution in addition to their tender for the supplies required in the tender dossier.

Contracts will be awarded lot by lot and each lot will form a separate contract.

### **11. Tender guarantee**

No tender guarantee is required.

### **12. Performance guarantee**

The successful tenderer will be asked to provide a performance guarantee of 5% 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**

No information meeting is planned.

### **14. Tender validity**

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders. In exceptional circumstances, the Contracting Authority may, before the validity period expires, request that tenderers extend the validity of tenders for a specific period (see para 8.2 of the instructions to tenderers).

## 15. Period of implementation of tasks

The periods of implementation of the tasks is 108 days following the date of the contract signature.

## SELECTION AND AWARD CRITERIA

### 16. Selection criteria

The following selection criteria will be applied to tenderers. In the case of tenders submitted by a consortium, these selection criteria will be applied to the consortium as a whole unless specified otherwise. The selection criteria will not be applied to natural persons and single-member companies when they are sub-contractors:

- 1) Economic and financial capacity of tenderer** (based on i.a. item 3 of the Tender Form for a Supply Contract). In case of tenderer being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last three years for which accounts have been closed.

The selection criteria for each tenderer are as follows:

#### Criteria for legal persons:

- 1 - The average annual turnover of the tenderer for the last 3 years for which accounts have been closed must exceed the total value of its financial proposal. (In case of submitting a tender for each lots it means the accumulated financial proposals for the two lots.)
- 2 - Current ratio (current assets/current liabilities) in the last year for which accounts have been closed must be at least 1. In case of a consortium, this criterion must be fulfilled by each member.

#### Criteria for natural persons:

- 1 - The available financial resources of the tenderer must exceed the total value of her/his financial proposal. (In case of submitting a tender for each lots it means the accumulated financial proposals for the two lots.)
- 2 - The financial situation of the tenderer should not be in deficit, taken into account debts, within the 12 months preceding the deadline for submission of the tenders in this procedure.

- 2) Professional capacity of tenderer** (based on i.a. items 4 and 5 of the Tender Form for a Supply Contract).

#### Criteria for legal persons:

- 1 - At least 2 staff currently employed and have been employed during the past 2 years on permanent basis for the tenderer in field of selling construction and / or maintenance machines (either bidding for one or two lots).

#### Criteria for natural persons:

- 1 - She/he is currently working and was working during the past 2 years as manager/team-leader or private entrepreneur in the field of selling construction and / or maintenance machines

- 3) Technical capacity of tenderer** (based on i.a. items 5 and 6 of the Tender Form for a Supply Contract). The reference period which will be taken into account will be the last 3 years from submission deadline.

This means that the contract the tenderer refers to could have been started or completed at any time during the indicated period but it does not necessarily have to be started and completed during that

period, nor implemented during the entire period. 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, final acceptance). In case of projects still on-going only the portion satisfactorily 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.

Criteria for legal and natural persons:

The tenderer has delivered earthmover machines with a budget of at least 100 000 EUR (excl. VAT) within the period of 2016-2018.

Capacity-providing entities

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. Some examples of when it may not be considered appropriate by the Contracting Authority are when the tenderer relies in majority on the capacities of other entities or when they rely 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 for performance of the contract, for example by producing a commitment 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. Furthermore, the data for this third entity for the relevant selection criterion should be included in the tender in a separate document. Proof of the capacity will also have to be furnished when requested by 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 tasks 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.

## 17. Award criteria

Price

# TENDERING

## 18. How to obtain the tender dossier

The tender dossier is available from the following Internet address: <http://kozdetel.mkbt.eu/https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>. The tender dossier is also available from the Contracting Authority. Tenders must be submitted using the standard Tender Form for a Supply Contract 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 [drladanyi@mkbt.eu](mailto:drladanyi@mkbt.eu), H-1067 Budapest, Andrásy út 17. 2. emelet 10. (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 shall be published at the latest 11 days before the submission deadline on the website at of DG International Cooperation and Development at <https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

## 19. Deadline for submission of tenders

The tenderer's attention is drawn to the fact that there are two different systems for sending tenders, either by post or private mail service, or by hand delivery.

In the first case, the tender must be sent before the date and time limit for submission, as evidenced by the postmark or deposit slip<sup>1</sup>, but in the second case it is the acknowledgment of receipt given at the time of the delivery of the application/tender which will serve as proof.

*14:00 Central European Time, 2nd September, 2019.*

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

**The contracting authority may, for reasons of administrative efficiency, reject any tender submitted on time to the postal service but received, for any reason beyond the contracting authority's control, after the effective date of approval of the evaluation report, if accepting tenders that were submitted on time but arrived late would considerably delay the evaluation procedure (for instance when applications or tenders are received after the evaluation committee has finished its works and evaluating them would imply re-calling the evaluation committee) or jeopardise decisions already taken and notified.**

### How tenders may be submitted

Tenders must be submitted in English exclusively to the contracting authority in a sealed envelope:

- EITHER by post or by courier service, in which case the evidence shall be constituted by the postmark or the date of the deposit slip, to :

**Marianna Ladányi dr.**

**Első Magyar Közbeszerzési Tanácsadó Zrt.** on behalf of the Lower Danube Valley Water Directorate  
(ADUVIZIG)  
H-1061 Budapest,  
Andrássy Str. 17. 2nd floor 10.  
Hungary

- OR hand delivered by the participant in person or by an agent directly to the premises of the contracting authority in return for a signed and dated receipt, in which case the evidence shall be constituted by this acknowledgement of receipt, to:

**Marianna Ladányi dr.,** between 9 AM till 5 PM

**Első Magyar Közbeszerzési Tanácsadó Zrt.** on behalf of the Lower Danube Valley Water Directorate  
(ADUVIZIG)  
H-1061 Budapest,  
Andrássy Str. 17. 2nd floor 10.  
Hungary

The contract title and the Publication reference (see item 1 above) must be clearly marked on the envelope containing the tender and must always be mentioned in all subsequent correspondence with the contracting authority.

Tenders submitted by any other means will not be considered.

By submitting a tender candidates accept to receive notification of the outcome of the procedure by electronic means. Such notification shall be deemed to have been received on the date upon which the contracting authority sends it to the electronic address referred to in the tender.

## **20. Tender opening session**

Date and time: *14:15 Central European Time 2<sup>nd</sup> September, 2019.*

Venue of tender opening session: H-1061 Budapest, Andrásy Str. 17. 2nd floor 10. Hungary

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

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

## **22. Legal basis<sup>2</sup>**

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);

Commission Implementing Regulation (EU) No 447/2014 of 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) (hereinafter referred to as the IPA Implementing Regulation);

Regulation (EU) N°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.

The European Commission's Decision C(2015) 9488 on December 15, 2015 which relies on the Regulation (EC) No 231/2014 of the European Parliament and of the Council and the Commission Implementing Regulation (EU) No 447/2014 (IPA II Implementing Regulation).

## **23. Additional information**

23.1. Taking into account the fact that payment of the contract is from the subsidy awarded for the implementation of the project "BABECA", the Contracting Authority may terminate the contract, even after the Contractor has commenced performance if the EU contribution is withdrawn in full or is reduced in the extent that the implementation of the project becomes impossible or if any regulatory provision concerning the project prevents its execution.

In this case, the Contracting Authority is obliged to disclose the reasons and justifications for the decision on terminating the contract in a written legal declaration with the Contractor.

23.2 This is the repeated procedure for LOT1: loader and excavator of the tender titled *Supply of water work construction machinery for the Lower Danube Valley Water Directorate (ADUVIZIG), Hungary, publication reference: 2017/S 230-480464 with revised and updated technical specification.*

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<sup>2</sup> Please state any specificity that might have an impact on rules on participation (such as geographic or thematic or long/short term).