
WORKS CONTRACT NOTICE

QOUBAYAT WASTEWATER TREATMENT PLANT IMPROVEMENT

Location: Qoubaiyat Akkar, North Lebanon

1. Reference

MASAR-LB-PCPM-028-WK/2022

2. Procedure

Local Open

3. Programme title

MASAR for Local Governments - Maintaining Strength and Resilience for Local Governments in Iraq and Lebanon, TF-MADAD/2018/T04.136

4. Financing

The project is financed by the European Union, Regional Trust Fund in Response to the Syrian Crisis, the "MADAD Fund", in accordance with the rules of the MASAR programme.

5. Contracting Authority

POLISH CENTRE FOR INTERNATIONAL AID

UNHCR compound, Johnny Abdo building, facing the Red Cross

Qobayat, Akkar

Lebanon

CONTRACT SPECIFICATIONS

6. Nature of contract

Lump-sum

7. Description of the contract

Improvement of Qoubaiyat Akkar wastewater treatment plant capacity, wastewater treatment quality, energy efficiency and work safety.

8. Provisional commencement date of the contract

1st March 2022

9. Period of implementation of tasks

Maximum three months (in accordance with the offer).

10. Information meeting and/or site visit

1st February 2022 (Tuesday)

TERMS OF PARTICIPATION

11. 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 an 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 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 100.000 €. Companies registered in Lebanon are eligible for this tender.

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 countries¹ will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom¹ 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.

12. Subcontracting

Subcontracting is allowed. The upper limit authorised for subcontracting is 50% of the value of the tender.

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.

13. Grounds for exclusion

Natural persons, companies or undertakings falling into a situation set out in section 2.3.3.1 ('exclusion from participation in procurement procedures') and section 2.3.3.2 ('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 2.3.3 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 and exclusion in accordance with section 2.3.4 of the Practical Guide.

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.

14. Information meeting and/or site visit

An optional information meeting will be held in the premises of the Qoubaiyat Hall, which will be followed by a site visit to the construction site on February 1st 2022 at 10:00 local time. There will be no transport organized to the construction site. Interested Tenderers shall confirm their attendance in writing to the Contracting Authority on the following e-mail: jbyszewska@pcpm.org.pl no later than January 31st 2022, 15:00 local time. All costs of attending must be met by the Tenderers.

15. Number of tenders

Tenderers may submit only **one** tender. Tenders for parts of the works 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.

16. Tender guarantee

No tender guarantee is required.

17. 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.

18. 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.

SELECTION AND AWARD CRITERIA

19. 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:

19.a Economic and financial capacity of candidate:

The average annual turnover of the tenderer for the last 3 closed and audited financial years must be at least USD 800,000. In case of a joint-venture (JV)/consortium, the Leader shall meet at least 50% of the criterion regarding the turnover, i.e. the average annual turnover of the Leader in the last 3 closed and audited financial years must be at least USD 400,000.

In case the legal requirements in the countries in which the companies are established are such that the companies are not obliged to have audited financial statement, the tenderer, in addition to their financial statement, must submit a written certificate issued by a relevant institution (central registry, tax office) to confirm this situation.

19.b Technical and professional capacity of candidate:

1) The tenderer shall have a professional license, in accordance with the law on construction of the beneficiary country, for the execution of the construction works (applicable to: each sole tenderer and each Leader of a joint venture/consortium).

2) The tenderer has completed as a prime contractor at least two (2) works contract for similar construction with value in an amount of at least USD 600,000 within the last 5 years from the submission deadline of this tender (as indicated in pt. 22 in the Contract Notice). The contract is considered completed when a provisional/final acceptance or a taking over certificate is signed and issued. Completion means that the project the tenderer refers to could have been started/implemented/completed at any time during the indicated period but it does not necessarily have to be started and completed during that period, or implemented during the entire period. In case of a joint venture/consortium, the Leader must meet at least 50% of the above criterion, i.e. at least two (2) works contract for road construction with a value in an amount of at least USD 300,000 within the last 5 years up to the submission deadline of this tender (as indicated in pt. 22 in the Contract Notice).

A) Letter of completion issued by previous contracting authorities, or

- B) Hand over documentation, or
- C) Any other documentation issued by Governmental entities or previous contracting authorities of the tenderer proving that the work was completed.

The completion date in the Taking Over / Provisional Acceptance Certificate will be taken into account for this criterion as completion date of the relevant works. Ongoing works of the tenderer will not be taken into consideration.

If a tenderer has implemented the project in a JV/Consortium, it should be clear from the documentary evidence (taking over (provisional acceptance) or performance (final acceptance) certificates) the percentage the tenderer has completed. Should the submitted documents not provide clear information on the percentage of the works, it will be clarified by further documents.

The contracting authority reserves the right to ask for originals of the respective certificates of taking over (provisional acceptance) or performance (final acceptance) signed by the supervisors (the Engineer)/project managers/contracting authority of the concerned projects. The contracting authority reserves the right to carry out further inquiry on the tenderer's document as the Evaluation Committee may deem appropriate.

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.

- **Personnel:** The Tenderer must demonstrate that it has qualified personnel with the relevant recent experience for the key positions that meet the following requirements/profiles, and that the nominated personnel confirm their availability to the Contract for its full duration.

CVs on provided or similar template of at least (the CV template can be found in the **Volume 1, Section 4** of tender documentation):

CVs of at least:

1. 1 Project Manager (at least 3 year of experience)
2. 1 Civil Engineer (at least 2 years of experience)
3. 1 Supervisor (at least 2 years of experience)

To pass it should be clear from the CV that a person assigned for a position meets the minimum experience criteria. For Civil Engineer, Electrical Engineer and Surveyor a relevant degree should be clearly stated in the CV.

The assigned individuals will have to be employed for the implementation of the project. Any changes are possible only after the approval of contracting authority.

- The tenderer should have clearance with Tax Office in Lebanon and will cover all the taxes of this project if applicable.

20. Award criteria

The most economically advantageous tender is the technically compliant tender with the lowest price.

TENDERING

21. How to obtain the tender dossier

The tender dossier is available upon request from the Contracting Authority via email: jbvyszewska@pcpm.org.pl or procurementmasar@pcpm.org.pl

22. Deadline for submission of tenders

18.02.2022 at 16:00 (Beirut Local Time)

Hand-delivered and email offers are accepted. An Acknowledgment of receipt will be provided to the tenderer as a proof of delivery.

All tenders must be received at the address of the Contracting Authority i.e.:

Polish Center for International Aid

Att: Rana Gabi

UNHCR compound, Johnny Abdo building, facing the Red Cross

Qobayat, Akkar

Lebanon

Optionally tender can be submitted by e-mail: via <https://wetransfer.com/> addressed to:

procurementmasar@pcpm.org.pl

The complete tender must be submitted in one password protected ZIP-file. All the required documents must be placed together in one folder, the title of the folder should be the reference code of this tender procedure (i.e. MASAR-LB-PCPM-028-WK-2022).

All submitted tenders will be downloaded so that a notification email will go to the tenderer to be informed that the package is downloaded. All submitted tenders will then be opened with the password after the deadline.

23. Tender opening session

21.02.2022

24. Language of the procedure

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

25. Ethics clauses

The tenderers are subject to the Ethics clauses, detailed in Section 2.4.14 of the Practical Guide. Tenders will be rejected or contracts terminated if it emerges that the award or execution of a contract has given rise to unusual commercial expenses.

26. 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.

27. Legal basis¹

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 and Commission Decision C(2014) 9615 of 10.12.2014 on the establishment of a European Union Regional Trust Fund in response to the Syrian crisis, "the MADAD Fund" amended by Commission Decision C(2015) 9691 of 21.12.2015.

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28. Appeals

Tenderers believing that they have been harmed by an error or irregularity during the award process may file a complaint. See further section 2.4.15 of the Practical Guide.

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