

SERVICE CONTRACT NOTICE

Supervision of the Dutch Quarter Sewerage Project St. Maarten

1. Publication reference

EuropeAid/135617/IH/SER/SX

2. Procedure

Restricted

3. Programme title

10 EDF, Dutch Quarter Sewerage Project St. Maarten

4. Financing

Financing Agreement FED/2010/022-899, between the Government of St. Maarten and the European Commission.

5. Contracting authority:

Ministry of General Affairs and Department of Interior and Kingdom Relations (BAK), SINT MAARTEN. Internet: <http://www.sintmaartengov.org/Government/AZ/Pages/default.aspx>

CONTRACT SPECIFICATION

6. Nature of contract

Fee-based

7. Contract description

The purpose of this service-contract is to provide for site supervision for the supply, construction and installation of wastewater collection, sewage transport system, drainage network, road and sidewalk upgrading (including street lighting) and a (glass fused to steel) bolted drinking water tank of 1.000 m³ being the Dutch Quarter Sewerage Project in St. Maarten.

The overall objective of the programme is to improve the living conditions of low-income residents and reduce poverty on St. Maarten. The specific objective is the upgrading of the sewage, drainage, drinking water and road infrastructure in the district of Dutch Quarter on St. Maarten.

The main activities include the following general topics and all related works:

- Expansion of the sewer network including home connections (branch sewers)

- Upgrading of the main roads, adjacent side roads and the improvement of the overall drainage system
- Improvement of public street lighting and related works
- Construction of pedestrian pathways
- Construction of a bolted 1,000 m3 water tank.

The Consultant shall ensure that services for supervision shall be in accordance with all the requirements for quality control, control of quantities, supervision of the work progress, analyses of expenses, implementation of the environmental criteria as well as working on administrative questions during the construction works and defect liability period.

8. Number and titles of lots

One lot only

9. Maximum budget

EUR 350.000

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 in tendering is open on equal terms to natural and legal persons (participating either individually or in a grouping (consortium) of tenderers which are established in a Member State of the European Union, ACP States or in a country or territory authorised by the ACP_EC Partnership Agreement under which the contract is financed (see also item 29 below). Participation is also open to international organisations.

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

April 2015

19. Provisional commencement date of the contract

1 June 2015

20. Initial period of implementation of tasks

The intended start date is 1 June 2015 and the period of implementation of tasks is 30 months (4 months for design review, works tendering and evaluation, 24 months supervision of construction works and 2 months maintenance)

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.
 - I. The average annual turnover of the candidate must exceed the annualised maximum budget of the contract (€140.000) (i.e., the maximum budget (€350.000 euro) stated in the contract notice divided by the initial contract duration (30 months) in years, where this exceeds 1 year).
 - II. Current ratio (current assets/current liabilities) must be at least 1.0.
- 2) **Professional capacity of candidate** (based on items 4 and 5 of the application form)
 - I. The candidate shall have at least 5 permanent employees, i.e. engineers and other technical staff currently working for the candidate in fields related to this contract (i.e., supervision of urban infrastructure works).
- 3) **Technical capacity of candidate** (based on items 5 and 6 of the application form)
 - I. The candidate has successfully executed at least two contracts in fields related to this contract, each with a budget greater than or equal to the value of this contract which were implemented in the last 3 years preceding the submission deadline.

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

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 re-examined to identify the eight best candidates. The only factors which will be taken into consideration during this re-examination are:

1. The highest number of contracts as described in 21.3 A)
2. The highest value of the contracts as described in 21.3A)

22. Award criteria

Best value for money.

APPLICATION

23. Deadline for receipt of applications

30/03/2015 (17:00 UTC)

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 :

Ministry of General Affairs – Department of Interior and Kingdom Relations

Address: Obersi Building 2nd Floor, Sparrow Road 1-D, Harbor View, Philipsburg, St. Maarten

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

Ministry of General Affairs – Department of Interior and Kingdom Relations

Address: Obersi Building 2nd Floor, Sparrow Road 1-D, Harbor View, Philipsburg, St. Maarten

Working Hours: Monday – Friday 08:00 – 17:00 UTC

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

14/03/2014

Notice number in OJ / 2014/S 052

29. Legal basis¹

ACP-EC Partnership Agreement signed at Cotonou on 23/06/2000 as amended on 25 June 2005 and on 22 June 2010, Annex IV, AND

The Decision on the Association of the Overseas Countries and Territories with the European Union (OAD) Council Decision 2013/755/EU adopted by the Council on 25 November 2013.

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