WORKS CONTRACT NOTICE

Contract title:

Strenghtening National Early Recovery and Reconstruction Plan of Gaza

BUILDINGS REHABILITATION IN ‘AL NADA NEIGHBORHOOD

Tender No: MWKF-19-2016

Location: ‘Al Nada - GAZA

1. Publication reference

Not applicable

2. Procedure

Local Open Tender

3. Programme title

STRENGHTENING NATIONAL EARLY RECOVERY AND RECONSTRUCTION PLAN OF GAZA - AID n. 10608

4. Financing

Financing agreement between the Ministry of Finance of the Palestinian National Authority, authorized by the Government of the Palestinian National Authority, and the Italian Agent Bank Cassa Depositi e Prestiti, designated by the Government of the Italian Republic to provide and manage the Soft Loan, including disbursements and collection of repayments.

5. Contracting Authority

Palestinian National Authority
Gaza Governorates
Ministry of Public Works and Housing

CONTRACT SPECIFICATIONS

6. Description of the contract

The Contract supports the implementation of the Civil Works for the rehabilitation of 17 damaged buildings in ‘Al Nada Neighborhood (Gaza).

7. Number and titles of lots

LOT 1: Group 2 – Buildings no. 7 – 8 – 9 / Group 3 – Buildings no. 11 - 12

LOT 2: Group 4 – Buildings no. 14 – 15 / Group 6 – Buildings no. 20 - 21

LOT 3: Group 5 – Buildings no. 16 – 17 – 18 - 19

LOT 4 Group 7 – Buildings no. 22 – 23 – 24 - 25

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation in the call for tender is open to tenderers established in Palestine, neighbour countries and OCSE countries, subject to local laws and regulations.

These terms refer to all nationals of the above states and to all legal entities, companies or partnerships established in the above states. For the purposes of proving compliance with this rule, tenderers being legal persons, must present the documents required under that country's law.

The eligibility requirement applies to all members of a joint venture/consortium and all subcontractors, as well as to all entities upon whose capacity the tenderer relies for the selection criteria. Every tenderer, member of a joint venture/consortium, every capacity-providing entity, every subcontractor providing more than 10 % of the works and every supplier providing more than 10 % of the supplies must certify that they meet these conditions. They must prove their eligibility by a document dated less than one year earlier than the deadline for submitting tenders, drawn up in accordance with their national law or practice or by copies of the original documents stating the constitution and/or legal status and the place of registration and/or statutory seat and, if it is different, the place of central administration. The Contracting Authority may accept other satisfactory evidence that these conditions are met.

9. Grounds for exclusion

Natural persons, companies or undertakings falling into a situation set out in Appendix to the MoU "Eligibility Criteria, Ethical Clauses, Contract General principles", annex to Bidding Documents, 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 Volume 4 Section IX "Tender Form" Annex 3.2 "Declaration of Honour on Exclusion and Selection Criteria". 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 Volume 4 Section IX "Tender Form" Annex 3.1 "Declaration of Eligibility".

The exclusion situation applies 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.

10. Number of tenders

Tenderers can apply for only one lot, more than one lot, all of the lots, but may submit only one tender per lot.

Tenders for parts of a lot will not be considered.

Each tenderer awarded will be assigned a single lot (4 lots to 4 awarded tenderer).

Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

A company may not tender for a given contract both individually and as a member of a joint venture/consortium. Participation by a tenderer in more than one tender for a contract will result in the disqualification of all those tenders for that contract in which the party is

involved. The same company may only participate as subcontractor in different tenders if that is justified by the specific nature of the market and cleared by the Contracting Authority.

11. Tender guarantee

Tenderers must provide a tender guarantee of:

LOT 1: EUR 3000

LOT 2: EUR 3000

LOT 3: EUR 3000

LOT 4: EUR 3000

Of **2%** of the maximum available budget when submitting their tender. This guarantee will be released to unsuccessful tenderers once the tender procedure has been completed and to the successful tenderer[s] upon signature of the contract by all parties.

12. Performance guarantee

The successful tenderer will be asked to provide a performance guarantee of **Ten (10)%** 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

The tenderer is obliged to visit and inspect the site of the works and its surroundings for the purpose of assessing, at its own responsibility, expense and risk, the factors necessary for preparing its tender and signing the contract for the works.

A clarification meeting and/or a site visit will be held by the Contracting Authority (date, time and place, see Volume 1 – Section I "Instruction to tenderers").

The minutes of the clarification meeting and/or the site visit will be transmitted to the tenderers. As proof of participation, tenderers will receive a certificate of their site visit.

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, which may not exceed 40 days. Such requests and the responses to them must be made in writing. A tenderer may refuse to comply with such a request without forfeiting its tender guarantee. If the tenderer decides to accept the request, it may not amend its tender and it is bound to extend the validity of its tender guarantee for the revised period of validity of the tender. In case the contracting authority is required to obtain the recommendation of the panel referred to in section 2.3.3.1 of the Practical Guide, the contracting authority may request an extension of the validity of the tenders up to the adoption of that recommendation.

The successful tenderer must maintain its tender for a further 60 days. This period is in addition to the validity period, irrespective of the date of notification.

15. Period of implementation of tasks

The period of implementation of the tasks will be notified by the Contracting Authority with an administrative order after the signature of the Contract

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:

1) **Economic and financial capacity of tenderer** *(*based on Section XI "Bidding Forms" Annex 4 "Questionnaire" - Form 4.4 "Financial Statement"). 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 average annual turnover of the tenderer must be at least equivalent to the annualised maximum budget of the Contract; and
   - 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.

2) **Professional capacity of tenderer** (based on Section XI "Bidding Forms" Annex 4 "Questionnaire" - Form to 4.6.1 to 4.6.3): candidates/bidders shall provide a list of staff resources dedicated to this contract as well as the plant proposed and available for implementation of the Contract and the work plan for the execution of the works.

3) **Technical capacity of tenderer** (based on Section XI "Bidding Forms" Annex 4 "Questionnaire" - Form 4.6.4 "Experience as Contractor"). The reference period which will be taken into account will be the last three years from submission deadline.

   - the tenderer has executed works with similar characteristics as for those requested with an average budget at least equivalent to the annualised maximum budget of the Contract during the period of last 3 years from the 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.

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 tender rely in majority on the capacities of other entities or when they rely on key criteria. If the tender rely 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 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. 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.

Specific Requirements to evaluate professional and technical capacity of the candidate/bidder:

- it must carry out at least 70 % of the contract works using its own resources, which means that it must have the equipment, materials, human and financial resources necessary to carry out that percentage of the contract.
- if it is the lead member of a joint venture/consortium, it must be able to carry out at least 50 % of the contract works using its own means.
- if it is a partner of a joint venture/consortium (i.e. not the lead member) it must be able to carry out at least 10 % of the contract works using its own means.

Enterprises that have been established for less than three years may prove their professional and technical capacity with any document which the contracting authority may deem appropriate.

17. Award criteria

The sole award criterion will be the price.

TENDERING

18. How to obtain the tender dossier

The tender dossier is available from the following Internet address:

www.mpwh.ps

The tender dossier is also available from the Contracting Authority.

Tenders must be submitted using the standard Tender Form 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:

Attention: *Gaza Strip, Gaza Governorate*
Ministry of Public Work and Housing
General Directorate of Central Tenders
Alawda Towers, Al Nasser st
Fax number: 009708/2853111
Electronic mail address: mpwh@gov.ps

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.

The questions and answers will be transmitted to all tenderers at the same time.

19. Deadline for submission of tenders

25 January 2017 *at 10am*

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

20. Tender opening session

25 January 2017 *at 10am*

21. Language of the procedure

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

22. Legal basis

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 - See Annex A2 of the Practical Guide PRAG.