

This notice in TED website: <https://ted.europa.eu/udl?uri=TED:NOTICE:61260-2019:TEXT:EN:HTML>

Turkey-Ankara: IPA - Supervision Services of Construction for Common Cultural Heritage: Preservation and Dialogue Between Turkey and the EU (Phase II)
2019/S 028-061260

Location — Turkey

Service Contract Notice

1. **Publication reference**
EuropeAid/139638/IH/SER/TR
2. **Procedure**
Restricted.
3. **Programme title**
Annual Action Programme for Turkey for the year 2016 under the Instrument for Pre-accession Assistance (IPA II)
4. **Financing**
IPA budget item 22.02 03 01 of the general budget of the EU (100 %).
5. **Contracting Authority**
Central Finance and Contracts Unit (CFCU), Ankara, TURKEY
Clarifications may be sought from the Contracting Authority at the following email address pao@cfcu.gov.tr at the latest 21 days before the deadline for submission of applications stated at the point 23 below.
Clarifications will be published on the website of DG International Cooperation and Development at the latest 5 days before the deadline.

Contract Specification

6. **Nature of contract**
Fee-based
7. **Contract description**
The purpose of this contract is to supervise restoration works of Sinop Historical Prison in order to promote civil society dialogue by means of culture, arts and cultural heritage via improving the international cooperation on cultural heritage and promotion of cultural diversity in Turkey.
The related works contract will be implemented as per FIDIC conditions of contract for construction. Within the scope of related works contract, structural, mechanical, electrical, landscape and restoration works of the main prison building; café-bistro building; main tower (I) and (II); courtyard behind the main prison building and market area will be carried out.
8. **Number and titles of lots**
One lot only
9. **Maximum budget**
1 000 000 EUR.
10. **Scope for additional services**
N/A

Conditions of Participation

11. **Eligibility**

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) No. 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 29 below). Participation is also open to international organisations.

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 will apply to candidates or tenderers 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, could be rejected from the procurement procedure.

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 (i.e., 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 shortlisted application forms will be excluded from this restricted tender procedure unless prior approval from the Contracting Authority has been obtained (see practical guide – PRAG – 2.6.3.). 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 2.6.10.1. of the PRAG.

Candidates 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.

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**
20.5.2019
19. **Provisional commencement date of the contract**
22.11.2019
20. **Initial period of implementation of tasks**
40 months

Selection and Award Criteria

21. **Selection criteria**

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 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 candidate (based on item 3 of the application form).

In case of candidate being a public body, equivalent information should be provided. The reference period which will be taken into account will be the last 3 years for which accounts have been closed.

Criteria for legal and natural persons:

— the average annual turnover of the candidate must exceed 500 000,00 EUR.

2) Professional capacity of candidate (based on items 4 and 5 of the application form). The reference period which will be taken into account will be the last 3 years from submission deadline.

Criteria for legal and natural persons:

— at least 5 staff currently work for the candidate.

3) Technical capacity of candidate (based on items 5 and 6 of the application form). The reference period which will be taken into account will be the last 3 years from submission deadline.

Criteria for legal and natural persons:

1) The candidate has provided services under a single contract with a budget of at least 900 000 EUR (proportion carried out by the candidate) in supervision services of construction works, which was implemented at any moment during the reference period: 3 years prior to the submission deadline of this application (the start and end/completion dates of the references should be specified as day/month/year);

2) The candidate has provided services under a single contract with a budget of at least 200 000 EUR (proportion carried out by the candidate) in supervision services of restoration works of cultural heritage, which was implemented at any moment during the reference period: 3 years prior to the submission deadline of this application (the start and end/completion dates of the references should be specified as day/month/year).

This means that the contract/assignment the candidate 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. Candidates are allowed to refer either to contracts/assignments completed within the reference period (although started earlier) or to contracts/assignments not yet completed.

In the first case the contract/assignment will be considered in its whole if proper evidence of performance is provided (statement or certificate from the entity which awarded the contract, proof of final payment). In case of contracts/assignments still on-going only the portion satisfactorily completed during the reference period although started earlier will be taken into consideration. This portion will have to be supported by documentary evidence (similarly to contracts/assignments completed) also detailing its value. If a candidate has implemented the contract/assignment in a consortium, the percentage that the candidate has successfully completed must be clear from the documentary evidence, together with a description of the nature of the services provided if the selection criteria relating to the pertinence of the experience have been used. Documentary evidence is not required at the application stage but will be requested with the invitation to tender.

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

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 — notably that of nationality — and must comply with the selection criteria for which the economic operator relies on them. 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, an economic operator may only rely on the capacities of other entities where the latter will perform the works or services 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.

If more than 8 eligible candidates meet the above selection criteria, the relative strengths and weaknesses of the applications of these candidates must be reexamined to identify the 8 best candidates. The only additional comparative criteria which will be taken into consideration during this re-examination, in the order that they appear below, are:

- 1) The total number of references fulfilling the technical capacity criterion 21.3.2; and
- 2) For the cases of equality in line with the first re-examination criterion, the second reexamination criterion will be: the cumulative value of the references (proportion carried out by the candidate) satisfying the technical capacity criterion 21.3.2 above.

N.B.: additional comparative criterion 2) will be applied only if the number of eligible candidates remain higher than 8 after applying additional comparative criterion 1).

22. **Award criteria**

Best price-quality ratio.

Application

23. **Deadline for receipt of applications**

The candidate attention is drawn to the fact that there are 2 different systems for sending applications: one is by post or private mail service, the other is by hand delivery.

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

13.3.2019 (17:00), local time — Turkey.

Any application sent to the Contracting Authority after this deadline will not be considered.

The Contracting Authority may, for reasons of administrative efficiency, reject any application 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 short-list report, if accepting applications that were submitted on time but arrived late would considerably delay the evaluation procedure or jeopardise decisions already taken and notified.

(1) It is recommended to use registered mail in case the postmark would not be readable.

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?chapterTitleCode=B>

The application must be accompanied by a declaration of honour on exclusion and selection criteria using the template available from the following Internet address:

<http://ec.europa.eu/europeaid/prag/annexes.do?chapterTitleCode=A>

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

Central Finance and Contracts Unit (CFCU)

Attn: Mr. M. Selim Uslu, PAO-CFCU Director

T.C. Hazine ve Maliye Bakanlığı Kampüsü E Blok İnönü Bulvarı No:36

06510 Emek / ANKARA

— or hand delivered by the candidate 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:

Central Finance and Contracts Unit (CFCU)

Attn: Mr. M. Selim Uslu, PAO-CFCU Director

T.C. Hazine ve Maliye Bakanlığı Kampüsü E Blok İnönü Bulvarı No:36

06510 Emek / ANKARA

Tel: +90312 295 4900

The opening hours of the Contracting Authority are 9:00 – 18:00. (local time)

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.

By submitting an application 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 application.

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**

26.4.2018

Notice number in OJ: [2018/S 081-180383](#).

29. **Legal basis**

Regulation (EU) No. 236/2014 of the European Parliament and of the Council of 11.3.2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action and Regulation (EU) No. 231/2014 of the European Parliament and of the Council of 11.3.2014 establishing an Instrument for Pre-Accession Assistance (IPA II), OJ L 77, 15.3.2014. p. 11. See Annex A2 of practical guide.

30. **Additional information**

The signature of this contract is subject to successful completion of related works tender. In case of cancellation, termination, delay or suspension of related works tender procedure(s) or the contract, the Contracting Authority has the right to cancel the procedure entirely or terminate the contract.