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**Turkey-Ankara: IPA - Construction Works for Common Cultural Heritage:
Preservation and Dialogue between Turkey and the EU (Phase II)
2019/S 162-397496**

Location – Turkey

Works Contract Notice

1. **Publication reference**
EuropeAid/139780/IH/WKS/TR
2. **Procedure**
Open
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 (75 %) and national contribution (25 %).
5. **Contracting authority**
Central Finance and Contracts Unit - CFCU, T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No:36, 06510 Emek, Ankara, TURKEY

Contract specifications

6. **Description of the contract**
The aim of the contract is to restore the Sinop Historical Prison with the help of knowledge and outputs obtained during the first phase of the project. Within the scope of this 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, market area etc. will be carried out.
The contract will be implemented as per FIDIC conditions of contract for construction (Red FIDIC Book, First Edition, 1999).
All works will be supervised throughout the contract period by a dedicated supervision company.
The signature of this contract is subject to successful completion of the related supervision tender.
In case of cancellation, termination, delay or suspension of the related supervision tender procedure(s) or the contract, the contracting authority has the right to cancel the procedure entirely or terminate the contract.
7. **Number and titles of lots**
One lot only.

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) 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 23 below).
Participation is also open to international organisations. All supplies under this contract must originate in one or

more of these countries. However, they may originate from any country when the amount of the supplies to be purchased is below 100 000 EUR per purchased.

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(1) will apply to candidates or tenderers from the United Kingdom, and to all candidates or tenderers proposing goods originating from the United Kingdom(1) 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.

(1) However, they may originate from any country when the amount of the supplies to be purchased is below 100 000 EUR.

9. **Grounds for exclusion**

Tenderers must submit a signed declaration, included in the tender form for a works 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**

Tenderers may submit only one tender per lot. Tenders for parts of a lot will not be considered. Any tenderer may state in its tender that it would offer a discount in the event that its tender is accepted for more than one lot. Tenderers may not submit a tender for a variant solution in addition to their tender for the works required in the tender dossier.

11. **Tender guarantee**

Tenderers must provide a tender guarantee of 100 000 EUR 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 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**

An optional information meeting and site visit will be held on 22.10.2019, 2.00 p.m. at 'Sinop Historical Prison, Kaleyazısı Mahallesi, Cumhuriyet Cd., 57000 Merkez/Sinop'.

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.

15. **Period of implementation of tasks**

The Time for Completion shall be 720 calendar days from the commencement date until the date of completion stated in the taking-over certificate. Defects notification period shall be 365 calendar days following the date of completion stated in the taking-over certificate to be issued by the engineer.

Selection and award criteria

16. **Selection criteria**

16.1. General

The tenderer shall be a legal person or natural person capable of carrying out the specified works.

16.2. Economic and financial capacity of candidate:

(a) annual turnover (the amount of business done in a year, incomes generated from ongoing works and incomes generated from works undertaken as Joint Venture shall be considered as part of the turnover):

The average annual turnover in the last 3 (three) audited financial years must be at least 2 500 000 EUR.

The annual turnover of a tenderer (A) equals to the sum of the whole sales realized by the tenderer in that year (B) + share of sales realized in a JV (joint venture) with third parties in that year (C).

Following formula will be used to calculate the annual turnover of a tenderer:

$$A = B + C$$

B = + net sales (income statement)

+ income of contracts in progress for each requested year (balance sheet/ liabilities)

— income of contracts in progress for previous year of each requested year (balance sheet/liabilities).

C = (% share of the tenderer in other JVs) x (sales realized by those JVs in that year).

The audited financial statements (balance sheet and statement of income approved by the relevant tax offices or certified public accountant) for the last 4 audited financial years shall be submitted in the attachment of Form 4.4 (Financial Statement).

Financial data to be provided by the tenderer in relation to the annual turnover criterion must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate of June of each year, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

An audit report approved by a certified accountant must be submitted as a supporting document for item C. The above mentioned audit must clearly show that the sales figures reflected in item C are not included in item B. If the tenderer fails to submit such an audit, item C will not be taken into consideration.

(b) financial position:

The net profit/loss figures on audited financial statements must demonstrate positive profit account at least 2 of the last 3 audited financial years.

The contracting authority reserves the right to carry out such any further inquiry on the tenderer's financial standing as the evaluation committee may deem appropriate.

(c) financial resources:

The tenderer must have access to liquid assets, credit and/or other financial facilities adequate to assure the required cash flow for the duration of the contract. In any case the amounts should be at least 1 500 000 EUR.

The tenderer should provide evidence of secured financing in form of cash, secured irrevocable credit line granted by a bank or other acceptable form of funds.

16.3. Technical and professional capacity of candidate:

The tenderer must have successfully completed at least a single contract with a budget of at least 3 000 000 EUR or 2 contracts each with a budget of at least 2 000 000 EUR (proportion carried out by the candidate) as prime contractor in the execution of similar works (i.e works of similar nature, complexity, and requiring similar construction technology as the tendered works such as restoration works of cultural heritage areas such as registered historical houses, mansions, sanctuaries, prisons, museums, institutes) in the last 5 years prior to the submission deadline (provisional acceptance/taking over certificate should have been issued in the last 5 years prior to the tender submission deadline).

Financial data to be provided by the tenderer in relation to the technical and professional capacity criterion must be expressed in EUR. If applicable, where a candidate refers to amounts originally expressed in a

different currency, the conversion to EUR shall be made in accordance with the InforEuro exchange rate at the month of contract signature, which can be found at the following address: <http://ec.europa.eu/budget/graphs/inforeuro.html>.

Previous experience of the tenderer must be proved by certified copy (approved by notary or the legal entity that issued the certificate, confirming that it is the true copy of the original) of taking over/provisional acceptance/final acceptance/work completion certificates. The project which is not completed will not be taken into consideration.

The contracting authority reserves the right to ask for originals of the respective certificates signed by the project managers/contracting authority of the concerned projects.

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

In the case of a tender submitted by a joint venture/consortium, the following selection criteria will be applied to the joint venture/consortium:

A joint venture/consortium shall meet the following particular qualification criteria:

- each individual member must satisfy the legal status criterion (16.1),
- the leading member must meet not less than 50 % of the turnover criterion (16.2.a) and financial resources criterion (16.2.c),
- each member must meet not less than 25 % of the turnover criterion (16.2.a) and financial resources criterion (16.2.c),
- each individual member must satisfy the financial position criterion (16.2.b),
- the leading member must meet not less than 50 % of the technical and professional capacity criterion (16.3),
- the Joint Venture/consortium must satisfy the technical and professional capacity criterion (16.3) and; collectively the turnover (16.2.a) and financial resources (16.2.c) criteria.

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.

17. **Award criteria**

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

Tendering

18. **How to obtain the tender dossier**

The tender dossier is available from central finance and contracts unit — CFCU, T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No 36, 06510 Emek/Ankara, Turkey upon payment of 100 EUR, payable to

T.C. Ziraat Bankası

Ankara Kamu Kurumsal Bankacılık Şubesi

1745-37712157-5045 numbered account

IBAN No TR28 0001 0017 4537 7121 57 5045

Which excludes courier delivery. It is also available for inspection at the premises of the contracting authority, address as in point 5 above.

The tender dossier (excluding drawings) is available at the following websites:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

<http://www.cfcu.gov.tr>

Interested tenderers, upon submitting their company information, power of attorney of the person who receives the tender dossier and a copy of the receipt for the payment of 100 EUR to the abovementioned bank account, can receive the tender dossier CD including drawings from the CFCU.

The CFCU will send the tender dossier by courier if a company located outside Ankara wants to receive it and declares its interest in written form to the CFCU, by considering enough time and also recommending the appropriate courier service for the specific location. CFCU does not accept any responsibility for late delivery of the tender dossier by the courier service. Payment for the courier service will be done by the recipient. The payment for the tender dossier 100 EUR will be provided to the bank account above and the receipt for that amount will be submitted with the tenders as usual procedure for all interested companies.

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 pao@cfcu.gov.tr

And

Central finance and contracts unit — CFCU

T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No:36,
06510 Emek / Ankara, TURKEY

Tel: +90 312 295 49 00

Fax: +90 312 286 70 72

(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 will be published at the latest 11 days before the submission deadline on the websites of DG International Cooperation and Development and CFCU at:

<https://webgate.ec.europa.eu/europeaid/online-services/index.cfm?do=publi.welcome>

<http://www.cfcu.gov.tr>

19. **Deadline for submission of tenders**

The tenderer's attention is drawn to the fact that there are 2 different systems for sending tenders: one is by post or private mail service, the other is 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(1), but in the second case it is the acknowledgment of receipt given at the time of the delivery of the tender which will serve as proof.

The address of the contracting authority:

Central finance and contracts unit — CFCU

T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No 36,
06510 Emek/Ankara, TURKEY

The deadline for submission of tenders:

12.00 (Local time — Turkey) on 25.11.2019

The opening hours of the contracting authority are 9.00–18.00 (local time).

Any tender submitted to 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 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:

Mr M Selim Uslu

Central finance and contracts unit — CFCU

T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No 36,
06510 Emek/Ankara, TURKEY

— 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:

Mr M Selim Uslu

Central finance and contracts unit — CFCU

T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No 36,
06510 Emek / Ankara, TURKEY

Tel: +90 312 295 49 00

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 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 tenderer 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.

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

20. **Tender opening session**

2.30 p.m. (Local Time- Turkey) on 2.12.2019 at CFCU premises at the address:

T.C. Hazine ve Maliye Bakanlığı Kampüsü, E Blok, İnönü Bulvarı, No 36, 06510 Emek/Ankara, TURKEY

In the case that at the date of the opening session some tenders have not been delivered to the contracting authority but their representatives can show evidence that they have been sent on time, the contracting authority will allow them to participate in the first opening session and inform all representatives of the tenderers that a second opening session will be organised.

21. **Language of the procedure**

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

22. **Repetition of similar works**

N/a

23. **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 the Practical Guide.