

2.3 Qualification Criteria

For qualification a tenderer must demonstrate to the Employer that it substantially satisfies the requirements regarding experience, personnel, equipment and economic capability, financial position and litigation history as specified below. Please note that the experience of the tenderer company will be taken into account only, e.g. not the experience of its mother company.

1. Experience

The Tenderer shall meet the following minimum criteria:

Particular experience:

- 1) In the period from the last 10 years to bid submission date, executed in total at least 20 km of geotechnical anchors, of which at least 10 km were prestressing anchors.
(Qualification Form 3.5.3)
- 2) In the period from the last 10 years to bid submission date, executed in total at least 10 km of piles for retaining structure of foundation pit.
(Qualification Form 3.5.3)
- 3) In the period from the last 10 years to bid submission date, executed construction/reconstruction works on city roads in total value of minimum 2,000,000.00 euros VAT excluded (two million euros).
(Qualification Form 3.5.3)

Documentary evidence:

The Tenderer shall submit copies of:

- Contracts including contract agreements, specifications and any further documents which present qualification criteria data;
- Final Payment Certificates or Interim Payment Certificates and
- Performance Certificate.

2. Personnel Capabilities

a The tenderer shall provide minimum employed personnel mentioned below:

1. The Tenderer shall provide 1 (one) person employed to be appointed for the position of project manager with the minimum experience requirements specified below:
 - Graduate Structural Engineer- responsible contracting engineer of building construction of the high-rise buildings, low construction and hydro-construction (personal license 410) who was responsible engineer for execution in total at least 10 km of geotechnical anchors and at least 5 km of piles for retaining structure of foundation pit, in the last 10 years-minimum 1 person,

2. Graduate Structural Engineer- responsible contracting engineer of building construction of the high-rise buildings, low construction and hydro-construction (personal license 410), who was responsible engineer for execution in total at least 10 km of geotechnical anchors in last 10 years-minimum 1 person,
3. Graduate Structural Engineer- responsible contracting engineer of building construction of the high-rise buildings, low construction and hydro-construction (personal license 410), who was responsible engineer for execution in total at least 5 km of piles for retaining structure of foundation pit, in the last 10 years-minimum 1 person.
4. Graduate Structural Engineer- responsible contracting engineer of building constructions and construction - craft works on low construction (personal license 412) or Graduate Structural Engineer- responsible contracting engineer for traffic works (personal license 415)-minimum 1 person.

Graduate Structural Engineer under the point 1. (project manager) must have a minimum of 15 (fifteen) years relevant experience.

Other Structural Engineer (under the point 2, 3 and 4) must have a minimum of 10 (ten) years relevant experience.

(Qualification Form **3.5.5 and 3.5.5A**)

Documentary evidence:

Tenderer must provide evidence, in accordance with the law of the country in which they are established, that they fulfil the abovementioned requirements.

For the Tenderers from the Employer's Country the evidences are documents as specified below:

- Copy of valid licences issued by relevant authorities of the Republic of Serbia-for graduated engineers;
- M form or other documentary evidence of employment on the day of tender opening;
- Copies of the decisions on the appointment of the responsible contracting engineer in accordance with the required experience in execution the abovementioned types of works (for personnel under point 1, 2 and 3);
- Final Payment Certificates or Interim Payment Certificates as proof that the abovementioned types of works have been performed or Certificates of the Final Beneficiary of the referent objects which confirm that the stated persons were responsible contracting engineer on construction works abovementioned. (for personnel under point 1, 2 and 3).

Note: **In accordance with the Law on planning and construction RS** ("Official gazette RS", br. 72/2009, 81/2009, 64/2010 - decision 24/2011, 121/2012, 42/2013 - decision 50/2013 - decision 98/2013 - decision 132/2014, 145/2014, 83/2018, 31/2019, 37/2019-other law and 9/2020) all engaged staff must hold licenses issued by relevant authorities of the Republic of Serbia valid.

In the case of a foreign Bidder, such Bidder shall, in the event of being awarded contract, engage persons holding licenses issued by relevant authorities of the Republic of Serbia, before the date of the contract conclusion.

The procedure for licenses issuing is described on the Serbian Chamber of Engineers web site <http://www.ingkomora.org.rs/licence/> and <http://www.ingkomora.org.rs/eng/licences/>.

b Also, the Tenderer must have **at least 100 (one hundred) persons** employed on the day of tender opening, necessary for the performance of the contract (e.g.. construction workers, electrical workers, civil workers and support workers). The Tenderers shall present a list of their workers QUALIFICATION FORM 3.5.5B that they intend to engage for the performance of the contract at hand. The list shall include data on **at least 100 (one hundred) persons** the Tenderer can engage for the performance of this contract.

(Qualification Form 3.5.5B)

Documentary evidence:

Tenderer must provide evidence, in accordance with the law of the country in which they are established, that they fulfil the abovementioned requirements.

For the Tenderers from the Employer's Country the evidences are documents as specified below:

Notice on the successful receipt of tax return by electronic means and a copy of the individual tax return for taxes and deductible contributions (EBP-PURS) with the status of borrowing by the BOP on the date of making the statement: 0,00 RSD for the one month of the two months preceding the month of tender opening.

3. Equipment Capability

3.1 The Tenderer has to own or have assured access (it has at its disposal and use based on rent contract or leasing contract) to equipment in full working order, which is planned to be used for the execution of works.

Ord. No.	EQUIPMENT	No. of pieces
1.	Drilling rigs for piles execution	3
2.	Drilling rigs for anchor execution	2
3.	Equipment for anchor injection	2

4.	Pump for concrete	1
5.	Loaders-bucket capacity up to 3m ³	2
6.	Truck load capacity up to 10t or truck load capacity over 10t	10

The Tenderer shall list the abovementioned equipment in Qualification Form 3.5.6.

Documentary evidence:

- List of the fixed assets on 31.12.2020.
- Submit certificate of testing by accredited institution or laboratory valid on the day of tender opening.
- Copy of a rent contract or a leasing contract, in a case of a rent or leasing the equipment
- Copies of a bill/an invoice for the equipment purchased in year 2021
- *if the equipment is used on basis of rent contract, tenderer is obliged to submit all above listed evidences that are related to lessor
- ** if the equipment is used on basis of leasing contract, tenderer is obliged to submit all above listed evidences that are related to leasing provider

4. Economic and Financial Position

4.1 Operating income in the last 3 (three) accounting years (2018, 2019 and 2020) in total amount of minimum EUR 20 million (EUR 20.000.000)

(Qualification Form 3.5.2)

Documentary evidence:

Balance sheets or BON JN (issued by the Serbian Business Registers Agency (SBRA) for a company established in the employer's country). If the regular annual financial reports for 2020 are not available, tenderers should submit reports for statistical purposes i.e. a Balance Sheet, Income Statement and Statistical Report for 2020 or equivalent.

4.2 The Tenderer has to provide insurance protection of professional fault, i.e. professional liability in accordance with the Law on Construction and Planning of The Republic of Serbia.

Each member of joint venture must meet requirements concerning the insurance protection of professional fault.

Documentary evidence:

Copy of Insurance Policy, valid on a day of tender opening

4.3 The Tenderer should hold the valid certificates covering its relevant operations on the assignment: ISO 9001, ISO 14001, ISO 45001:2018.

Each member of joint venture must meet requirements concerning the abovementioned certificates.

Documentary evidence:

Tenderer must provide copies of the abovementioned certificates, valid on a day of tender opening.

4.4 The Tenderer's bank account can never have been frozen nor blocked for any reason over a period of previous 36 (thirty-six) months prior to the publishing the tender notice.

4.5 The Tenderer or Lead partner of Joint venture should have SCORING assigned with a rating of minimum BB- for a period of years 2015-2019, according to the methodology of the Serbian Business Registers Agency (SBRA) or equivalent.

4.6 The Tenderer has not carried out economic activity with the net loss over a period of the last 3 (three) accounting years (2018, 2019 and 2020), not even in one of these years.

4.7 The Tenderer has to prove that it is not undergoing liquidation or bankruptcy procedure, or preliminary liquidation procedure.

(Qualification Form 3.5.7)

Documentary evidence for qualification requirements under point 4.4, 4.5, 4.6 and 4.7 Economic and Financial Position are the following:

Tenderer must provide evidence in accordance with the law of the country in which they are established, that they fulfil the abovementioned requirements. Date of evidence regarding the requirements under point 4.4 and 4.7 Economic and Financial Position, must not be older than 60 days before the deadline for submission of tenders.

For the Tenderers from the Employer's Country the evidences are documents as specified below:

- Certificate on the number of days of account blockage (issued by the National Bank of Serbia, Division for Enforced Collection for a company established in the employer's country)
- SCORING with a rating of minimum BB- for a period of years 2015-2019 (issued by the Serbian Business Registers Agency (SBRA) for a company established in the employer's country)
- Report on solvency (BON JN issued by the Serbian Business Registers Agency (SBRA) for a company established in the employer's country)
- Certificate that the Tenderer is not undergoing liquidation or bankruptcy procedure, or preliminary liquidation procedure, (issued by the Commercial Court of the Tenderer's seat and/or the Serbian Business Registers Agency (SBRA) for a company established in the employer's country)

Date of evidence regarding the requirements under point 4.4 and 4.7 Economic and Financial Position (Certificate on the number of days of account blockage and Certificate that the Tenderer is not undergoing liquidation or bankruptcy procedure, or preliminary liquidation procedure), must not be older than 60 days before the deadline for submission of tenders.

Each of the partners in a Joint venture must fulfil requirements indicated in point 4.4, 4.6 and 4.7 of Economic and Financial Position and provide these evidences.

5. **Litigation History.** The Tenderer shall provide accurate information on any current or past litigation or arbitration resulting from contracts completed or under execution by him over the last five years. A consistent history of awards against the applicant or any partner of a Joint Venture may result in failure of the application.

Tenderers will be excluded from participation in the procurement procedure:

1. The tenderer fails to prove that it or its legal representative in the period of the previous five years up to the date of expiry of the time limit for submission of tenders has not been convicted by the final judgment, unless where different period of exclusion from the participation in the public procurement procedures has been set by the final judgment for:
 - the criminal offense he/she committed as a member of an organised criminal group and criminal offense of organising for the purpose of committing criminal offenses;
 - the criminal offense of abuse of the position of the responsible person, the criminal offense of misconduct in connection with public, the criminal offense of taking bribe in performing an economic activity, the criminal offense of giving bribe in performing an economic activity, the criminal offense of abuse of official position, the criminal offense of trafficking in influence, the criminal offense of accepting bribe and the criminal offense of bribery; the criminal offense of fraud, the criminal offense of obtaining and using the loan and other benefits, the criminal offense of fraud in performing an economic activity and the criminal offense of tax evasion; the criminal offense of terrorism, criminal offense of public incitement to commit terrorist acts, the criminal offense of recruitment and training for the commission of terrorist acts and the criminal offense of terrorist association; the criminal offense of money laundering and the criminal offense of financing terrorism; the criminal offense of trafficking in human beings and the criminal offense of establishing a slavery relation and transportation of persons in slavery relation;
2. The tenderer fails to prove it has settled due taxes and contributions for compulsory social insurance or that the payment of debt has been postponed, in accordance with a special regulation, under a binding agreement or decision, including any interests accrued and fines;
3. it determines that the tenderer has in the period of the previous two years up to the date of expiry of the time limit for submission of tenders, violated applicable obligations in the area of the environmental protection, social and labour law, including collective agreements, and in particular the obligation to disburse the contracted wages, or other compulsory payments, including obligations in accordance with the provisions of the international conventions in the field of social and labour law and conventions on environmental protection;
4. it determines that the tenderer has undertaken to unduly influence the decision-making process of the Purchaser or obtain confidential information that may confer upon it undue advantage in the public procurement procedure or to has provided misleading information that may have effect on decisions concerning the exclusion of bidder, the selection of an bidder or the award of a contract.

Documentary evidence:

For the Tenderers from the Purchaser's Country, the evidences for the absence of the exclusion grounds are documents as specified below:

- point 1. shall be proved by a certificate of the competent court or a competent police authority;

- point 2. shall be proved by a certificate of the competent tax authority and organisation for the mandatory social insurance, or certificate of the competent authority to the effect that the tenderer is undergoing the privatisation procedure;
- referred to point 3. Purchaser shall accept Statement given by the tenderer under criminal responsibility and liability that the tenderer has not in the period of the previous two years up to the date of expiry of the time limit for submission of tenders, violated applicable obligations in the area of the environmental protection, social and labour law, including collective agreements, and in particular the obligation to disburse the contracted wages, or other compulsory payments, including obligations in accordance with the provisions of the international conventions in the field of social and labour law and conventions on environmental protection;
- referred to point 4. Purchaser shall accept Statement given by the tenderer under criminal responsibility and liability that the tenderer has not undertaken to unduly influence the decision-making process of the Purchaser or obtain confidential information that may confer upon it undue advantage in the public procurement procedure or to has provided misleading information that may have effect on decisions concerning the exclusion of bidder, the selection of an bidder or the award of a contract.

Bidders registered in Register of bidders, whose functioning is entrusted to Serbian Business Register Agency, according to Public Procurement Law of Serbia, shall be considered fulfilling requirements under point 1. and 2. and no related documentary evidences should be submitted.

All abovementioned evidences may be submitted as uncertified copies. Purchaser keeps right to ask for original evidences if deemed necessary.

For the Tenderers that have its seat in another country, the evidences for the absence of the exclusion grounds are documents as specified below:

- referred to point 1. Purchaser shall accept an extract from the criminal records or another relevant register or, failing that, an equivalent document issued by a competent judicial or administrative authority in the country of the tenderers's seat or the country of citizenship of the person concerned;
- referred to point 2. Purchaser shall accept a certificate of the competent authority in the country of the Tenderer's seat;
- referred to point 3. Purchaser shall accept Statement given by the tenderer under criminal responsibility and liability that the tenderer has not in the period of the previous two years up to the date of expiry of the time limit for submission of tenders, violated applicable obligations in the area of the environmental protection, social and labour law, including collective agreements, and in particular the obligation to disburse the contracted wages, or other compulsory payments, including obligations in accordance with the provisions of the international conventions in the field of social and labour law and conventions on environmental protection;
- referred to point 4. Purchaser shall accept Statement given by the tenderer under criminal responsibility and liability that the tenderer has not undertaken to unduly influence the decision-making process of the Purchaser or obtain confidential information that may confer upon it undue advantage in the public procurement procedure or to has provided misleading information that may have effect on

decisions concerning the exclusion of bidder, the selection of an bidder or the award of a contract.

Where the country of the tenderers's seat or the country of citizenship of the person concerned does not issue evidence referred above (point 1. and 2.) or where these do not cover all information, Tenderer may replace such evidence by a written declaration given under criminal responsibility and liability verified before a competent judicial or administrative authority, a notary or another competent body of the country concerned, to the effect that none of the listed exclusion grounds (point 1. and 2.) of the Tenderer exist.

If there is any doubt about those facts, the Tenderer is obliged to submit documentary evidence to demonstrate the abovementioned.

This provision applies to all members in a joint venture/consortium.

Joint Venture Requirements

The joint venture can satisfy collectively the qualification requirements under the following conditions:

- a Individual members must each satisfy the requirements indicated in point 4.4, 4.6 and 4.7 of Economic and Financial Position and provide required evidences.
- b The Tenderer or Lead partner of Joint venture should have SCORING assigned with a rating of minimum BB- for a period of years 2015-2019
- c Each member must meet the requirements in connection with the history of litigation or events described in the Item 5. Qualification data.
- d Each member of joint venture must meet requirements concerning the insurance protection of professional fault.
- e Each member must meet requirements concerning the following certificates: ISO 9001, ISO 14001 and ISO 45001:2018.

Subcontractor Requirements

Each of the subcontractors must satisfy the requirements and provide evidences about litigation.

The value to be subcontracted shall not exceed 30% of the Contract Price.

When the Tenderer intends obtaining highly specialized inputs (essential for execution of the Contract) from specialized subcontractors or subcontractor's works exceed 10% of the Contract Price, such subcontractor must have fully completed works, related to the type of the works which he will execute on the object, similar complexity and minimum value as on the object in this project in the last 10 years – **it should be confirmed by completing Form 3.5.3. as well as by submitting documentary evidences:**

- **Contracts including contract agreements, specifications and any further documents which present qualification criteria data;**
- **Final Payment Certificates or Interim Payment Certificates and**
- **Performance Certificate.**

Information concerning all documentary evidence

Tenderer is not obliged to supply evidence that is publicly available at websites of competent bodies and is supposed to specify such evidence.

Contracting authority may not refuse a bid as unacceptable just because it does not contain evidence defined by tender documents, where bidder in its bid inserted website which contains requested data and which is publicly available.

Where tenderer could not obtain requested documents within the deadline for submission of tenders because, according to the regulations of its state of registration, the documents could not have been issued before the moment of tender submission, and if tenderer provides appropriate evidence thereon together with the tender, contracting authority shall allow the tenderer to deliver the required documents later, within the subsequently set deadline.

Where state of tenderer's registration does not issue evidence required in accordance with this Qualification Data, instead of evidence tenderer shall submit its written statement, given subject to criminal and material liability and certified by the court, administrative body, public notary, or another competent body of that state.