

WORKS PROCUREMENT NOTICE

EC/BDN/DKD/001/Construction of a 100 Bed Hospital

Dai Kundi Province, Afghanistan

1. Publication reference

BDN/Dai Kundi PH construction /03

2. Procedure

Open

3. Programme

ALA

4. Financing

European Commission

5. Contracting Authority

Bakhtar Development Network (BDN),

Address: House # 234, Hamam Street, Baharistan, Kart-e- Parwan, Kabul, Afghanistan.

CONTRACT SPECIFICATIONS

6. Description of the contract

The objective of this action is to construct a standard building of **100-bed hospital** for the provision of essential package of hospital services in Daikundi through appointing a Construction firm, having experience in the design of international standard health care services facilities and related buildings, from project commencement to completion of 100-bed Hospital building in Daikundi.

7. Number and titles of lots

Lot #1 : Construction of a 100 Bed Provincial Hospital

TERMS OF PARTICIPATION

8. Eligibility and rules of origin

Participation is open to all legal persons participating either individually or in a grouping (consortium) of tenderers which are established in a Member State of the European Union or in a country or territory of the regions covered and/or authorised by the specific instruments applicable to the programme under which the contract is financed (see also heading 22 below). All works, supplies and services under this contract must originate in one or more of these countries. Participation is also open to international organisations. The participation of natural persons is directly governed by the specific instruments applicable to the programme under which the contract is financed.

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 following situations:

- a) they are bankrupt or being wound up, are having their affairs administered by the courts, have entered into an arrangement with creditors, have suspended business activities, are the subject of proceedings concerning those matters, or are in any analogous situation arising from a similar procedure provided for in national legislation or regulations
- b) they have been convicted of an offence concerning their professional conduct by a judgment which has the force of *res judicata*; (i.e. against which no appeal is possible);
- c) they have been guilty of grave professional misconduct proven by any means which the Contracting Authority can justify
- d) they have not fulfilled obligations relating to the payment of social security contributions or the payment of taxes in accordance with the legal provisions of the country in which they are established or with those of the country of the Contracting Authority or those of the country where the contract is to be performed
- e) they have been the subject of a judgment which has the force of *res judicata* for fraud, corruption, involvement in a criminal organisation or any other illegal activity detrimental to the Communities' financial interests;
- f) they are currently subject to an administrative penalty referred to in Article 96(1) of the Financial Regulation (BUDGET)/ Article 99 of the Financial Regulation (10th EDF).

Points (a) to (d) shall not apply in the case of purchase of supplies on particularly advantageous terms from either a supplier which is definitively winding up its business activities, or the receivers or liquidators of a bankruptcy, through an arrangement with creditors, or through a similar procedure under national law.

The cases referred to in point (e) applicable are the following:

- 1) Cases of fraud as referred to in Article 1 of the Convention on the protection of the European Communities' financial interests drawn up by the Council Act of 26 July 1995
- 2) Cases of corruption as referred to in Article 3 of the Convention on the fight against corruption involving officials of the European Communities or officials of Member States of the European Union, drawn up by the Council Act of 26 May 1997
- 3) Cases of participation in a criminal organization, as defined in Article 2(1) of Joint Action 98/733/JHA of the Council
- 4) Cases of money laundering as defined in Article 1 of Council Directive 91/308/EEC

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.

11. Tender guarantee

Tenderers must provide a tender guarantee of 2% of the amount of the contract 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 information meeting will be held on 20th September, 2009 at BDN – Head Office. Contact # 0093-700776482 & 0093-700292548. The participation is optional for contractors.

The site visit is optional and is to be done by the contractor themselves, if required.

14. Tender validity

Tenders must remain valid for a period of 90 days after the deadline for submission of tenders.

15. Period of implementation of tasks

2.5 Years.

SELECTION AND AWARD CRITERIA

16. Selection criteria

16.1 Economic and financial capacity of candidate:

The objective of this criterion is to examine whether or not the candidate (ie, the consortium as a whole, in the case of an application from a consortium):

- will not be economically dependent on the Contracting Authority in the event that the contract is awarded to it; and
- Contractor has sufficient financial stability to handle the proposed contract.
- The average annual turnover of the tenderer in the past 3 years must be at least 2,000,000 US Dollars.
- If it is the sole tenderer it must have access to sufficient credit and other financial facilities to cover the required cash-flow for the duration of the contract. In any case, the amount of credit available must exceed the equivalent of 1,000,000 US Dollars.

16.2 Technical and professional capacity of candidate:

- Contractor must have completed at least 2 projects of the same nature/amount/complexity comparable to the works concerned by the tender over the last 3 years. The Contracting Authority reserves the right to ask for copies of the respective certificates of final acceptance signed by the supervisors/contracting authority of the projects concerned.
- Contractor must carry out at least 25% of the contract works by own resources, which means that it must have the equipment, materials, human and financial resources necessary to enable it to carry out that percentage of the contract.
- If it is the lead member of a joint venture/consortium, it must have the ability to carry out at least 20% of the contract works by its own means.
- If it is a partner of a joint venture/consortium (i.e. not the lead member) it must have the ability to carry out at least 10% of the contract works by its own means.
- All its key personnel must have at least 5 years' appropriate experience and proven qualifications relevant to works of a similar nature to this project.

17 Award criteria

Offers will be evaluated for technical acceptability, past performance, and price. Technical acceptability and past performance, when combined, outweigh consideration of price. Consistent with the evaluation of these factors, the Contracting Authority intends to award to the contractor which has the best value.

The proposed prices will be analyzed for reasonableness. They may also be analyzed for completeness; reflect a clear understanding of the requirements; and should be consistent with the contractor's Technical Specifications. Additionally, all offers will be analyzed for unbalanced

pricing. The price will be used along with the technical evaluation to make selection for award. Since evaluation of the price proposal will represent a portion of the total evaluation, it is possible that a contractor might not be selected for award because of unreasonable, unrealistic, or incomplete price proposal information. The Government will evaluate the format and clarity of the price proposal.

TENDERING

18 How to obtain the tender dossier

The tender dossier is available from BDN-Head Office upon payment of **500 Afs** which excludes courier delivery. It is also available for inspection at the premises of the BDN-Head Office, House # 234, Hamam Street, Baharistan, Kart-e-Parwan, Kabul, Afghanistan. Contact # 0093-700776482 & 0093-700292548.

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 qnasrat@gmail.com or mateen141@hotmail.com (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 BDN's website at <http://www.bdn.org.af>.

19 Deadline for submission of tenders

The deadline for submission of Tender Dossier is Saturday, 5th December, 2009 at 4:00 p.m. (AST).

Any tender received after this deadline will not be considered.

20 Tender opening session

Tenders will be opened on Saturday, 12th December, 2009 at BDN – Head Office.

21 Language of the procedure

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

22 Legal basis

AF-2007-ECB-2711571662